

Washington State Register

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filed not later than March 24, 1993

CITATION

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE (Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of April 1993 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

2. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

4. EFFECTIVE DATE IF RULES

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

5. EDITORIAL CORRECTIONS

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

1992 - 1993

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing 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 on or after</i>
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993
93-01	Nov 25	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 26
93-02	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 9
93-03	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 3	Feb 23
93-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
93-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
93-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
93-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
93-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
93-09	Mar 24	Apr 7	Apr 21	May 5	May 25
93-10	Apr 7	Apr 21	May 5	May 19	Jun 8
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93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
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93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994

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

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

Regulatory Fairness Act

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as “any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.” The act requires review and mitigation of proposed rules that have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three-digit SIC code).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

AN SBEIS IS REQUIRED

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule **IMPOSES** costs to business that are not minor and negligible.

AN SBEIS IS NOT REQUIRED

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

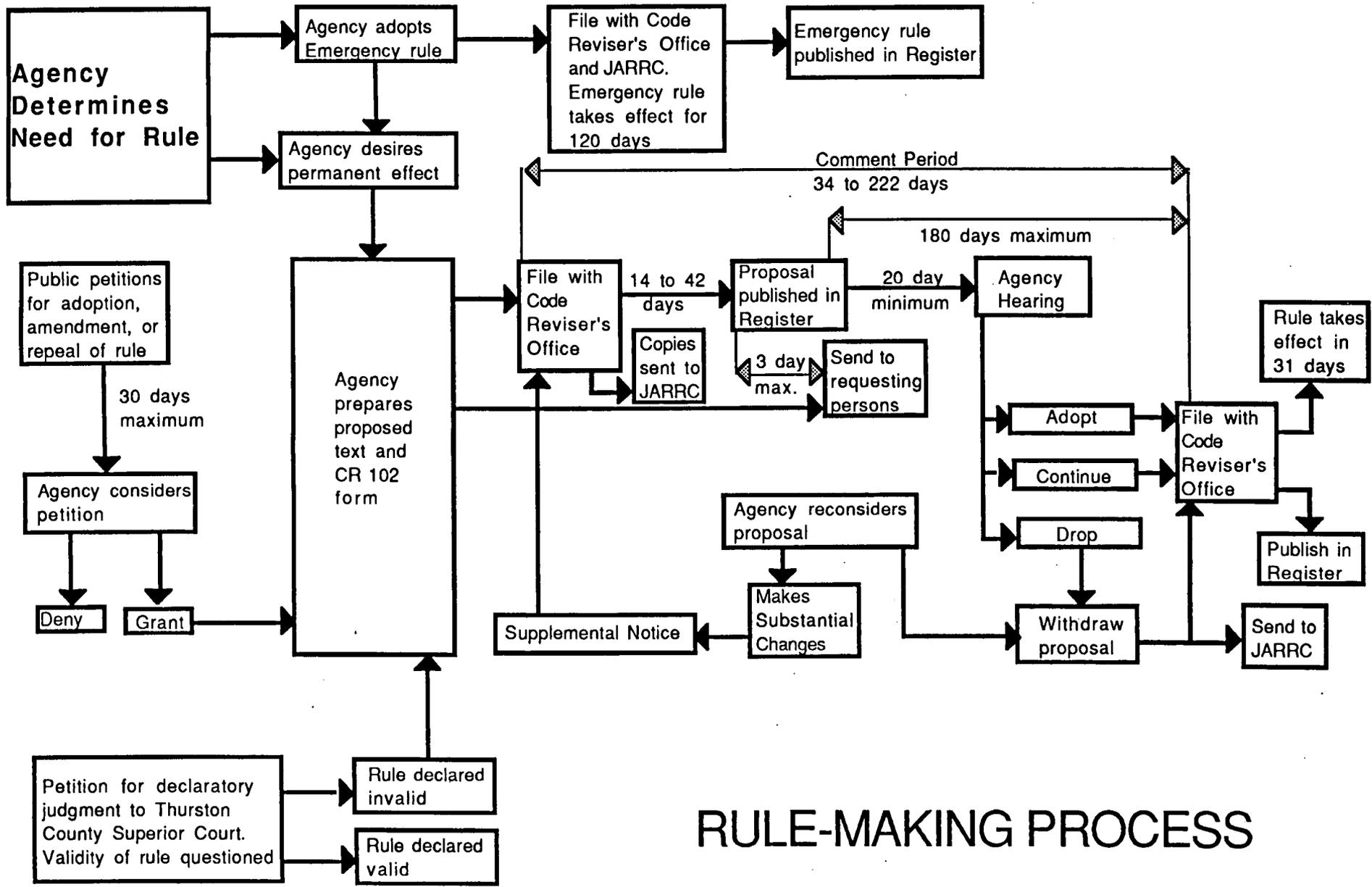
There is no economic impact on business;

The rule **REDUCES** costs to business;

There is only minor or negligible economic impact;

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

The rule is pure restatement of statute.



RULE-MAKING PROCESS

WSR 93-07-014
PREPROPOSAL COMMENTS
DEPARTMENT OF
GENERAL ADMINISTRATION
 (Division of Risk Management)
 [Filed March 5, 1993, 11:11 a.m.]

Subject of Possible Rule Making: Rules regarding the management and operation of local government and health and welfare benefit and property and liability risk self-insurance programs.

Persons may Comment on this Subject in the Following Ways: Written comments submitted to Steve Borchardt, APA Rules Coordinator, Department of General Administration, P.O. Box 41018, Olympia, WA 98504-1018, until March 31, 1993. Oral testimony: Small Auditorium, SeaTac Airport Complex, Seattle, Washington, on March 18, 1993, at 10:45 a.m.

Other Information or Comments by Agency at this Time, if any: Copies of proposed rules are available from the Division of Risk Management, P.O. Box 41027, Olympia, WA 98504-1027, (206) 753-0952. Proposed effective date for rules July 1, 1993. Once adopted, the rules will have state-wide application. These rules are intended to allow local government entities flexibility in self-insuring to the extent the self insurance programs are operated consistent with these rules and in a safe and sound manner.

March 5, 1993
 Pat Kohler
 Assistant Director

WSR 93-07-018
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 8, 1993, 10:53 a.m.]

Original Notice.

Title of Rule: WAC 388-15-170 General and seasonal child day care services.

Purpose: This amendment makes Washington state health and safety standards for in-home child care consistent with the federal child care and development block grant (CCDBG) rules.

Statutory Authority for Adoption: RCW 74.12.340.

Statute Being Implemented: RCW 74.12.340.

Summary: This amendment places responsibility of choosing appropriate, safe, in-home child care clearly on the parent or guardian. The amendment also specifies the health and safety standards required by the CCDBG for in-home, otherwise unregulated care.

Reasons Supporting Proposal: The CCDBG requires assurances by states that certain health and safety standards are in place for each type of care, including unregulated care. These WAC changes are consistent with CCDBG rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Monica Ellis, Office of Child Care Policy, Children's Administration, 586-0252.

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

Rule is necessary because of federal law, 45 CFR Part 98.41 Child care and development block grant.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 8, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3393, filed 5/19/92, effective 6/19/92)

WAC 388-15-170 General and seasonal child day care services. (1) The department may approve child day care funding to facilitate care, protection, and related services for a child twelve years of age or younger. The department may approve special needs child care for a child(~~(=~~

~~(=))~~ nineteen years of age or younger who is physically or mentally incapable of caring for himself or herself, as verified by the state ((based on a determination by a physician or a licensed or certified psychologist; or

~~(b) Who is under court supervision))~~, supported by medical documentation.

(2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parents, or parent ((is)) in a single-parent household, are employed and ((is)) are not ((and)) aid ((for)) to families with dependent children (AFDC) grant recipients;

(b) Parents, or parent ((is)) in a single-parent household, are employed and receiving AFDC;

(c) Parents, or parent ((is)) in a single-parent household, are receiving AFDC and ((is)) are enrolled in job opportunity and basic skills (JOBS);

(d) School-aged parent is enrolled in an approved secondary education or GED program;

(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or

(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.

(3) The department shall limit goals for general child day care services as specified ~~((is))~~ under WAC 388-15-010 (1)(a), (d), ((and)) (e), and (2). ((Also see WAC 388-15-010(2).))

(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size (SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of ~~((their))~~ the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.

(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;

(b) ~~((At least))~~ Fifty percent or more of the family's annual income is derived from agriculturally related work;

(c) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year;

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). ~~((These families))~~ The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. ~~((Families))~~ The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of ~~((their))~~ the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(e) Failure of parents to meet the requirements of subsection ~~((4))~~ (5)(b) and ~~((e))~~ (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

(6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

(7) The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In ~~((their))~~ the child's own home with an unrelated person.

(8) When the ~~((department approves an))~~ parent or guardian chooses in-home care or relative, relative's home ~~((child))~~ care ~~((plan at))~~, the ~~((request of a parent, the caretaker))~~ parent or guardian shall ~~((meet))~~ make the following ~~((minimum qualifications and fulfill the following responsibilities))~~ assurances:

(a) The in-home caretaker shall meet the following minimum qualifications:

(i) Be eighteen years of age or older;

~~((b))~~ (ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year;

~~((e))~~ (iii) Be of sufficient physical, emotional, and mental health to meet the needs of the ~~((children))~~ child in care~~((-d))~~. Subject to the discretion of the social worker, the ~~((caretaker))~~ parent or guardian shall provide written evidence to the department that ~~((such))~~ the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

~~((e))~~ (iv) Be able to work with ~~((children))~~ the child without using corporal punishment or psychological abuse;

~~((f))~~ (v) Be able to accept and follow instructions;

~~((g))~~ (vi) Be able to maintain personal cleanliness;

~~((h))~~ (vii) Be prompt and regular in job attendance; ~~((i))~~ and

(viii) Meet the department's in-home caretaker registration requirement~~((-j))~~. Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.

(b) The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:

(i) ~~((Consider his or her primary function as that of child day care provider;~~

~~((ii))~~ (ii) Provide constant care and supervision of the ~~((children))~~ child for whom ~~((they are))~~ the caretaker is responsible throughout the time ~~((they are))~~ the caretaker is on duty in accordance with the ~~((children's))~~ needs of the child; and

~~((iii))~~ (ii) Provide developmentally appropriate activities for ~~((children))~~ the child under ~~((their))~~ the caretaker's care.

(c) The child is current on the immunization schedule;

(d) The parent's or guardian's home or the relative's home is safe for the care of the child; and

(e) The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

(9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the ~~((provider))~~ caretaker according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home ~~((care provider))~~ caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add

the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister, stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.

~~((e) A child is eligible for Employment Child Care subsidies when:~~

- ~~(i) The child receives an AFDC grant;~~
~~(ii) The child lives with a nonresponsible relative;~~
~~(iii) The relative does not receive an AFDC grant; and~~
~~(iv) The relative is employed.))~~

WSR 93-07-021
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed March 8, 1993, 1:27 p.m.]

Original Notice.

Title of Rule: Procedural rules relating to presiding officers and adjudicative hearings.

Purpose: To clearly define and give authority to delegate persons to serve as presiding officers in emergency and brief adjudicative hearings; and give the department the authority to combine an emergency adjudicative proceeding with an adjudicative proceeding.

Statutory Authority for Adoption: RCW 34.05.425.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: The department is experiencing difficulties when determining who shall act as presiding officer in certain adjudicative cases. The amendatory language clarifies how presiding officers shall be selected to handle adjudicative cases.

Reasons Supporting Proposal: Assists the department when working with its clientele on adjudicative hearings.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dannie McQueen, NRB, Olympia, Washington, (206) 902-1809.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendatory language provides that the department shall delegate the persons to function to operate as presiding officers in adjudicative hearings rather than stating specifically, in rule, the positions of those persons who are allowed to function as presiding officers. In addition, the department is allowed to consolidate an emergency adjudicative proceeding and an adjudicative proceeding.

Proposal Changes the Following Existing Rules: Minimally, as outlined above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Agriculture, 2nd Floor Conference Room, Natural Resources Building, 1111 Washington S.E., Olympia, WA 98504-2560, on April 8, 1993, at 9:00 a.m.

Submit Written Comments to: Dannie McQueen, Washington State Department of Agriculture, P.O. Box 2562, Olympia, WA 98504-2562, by April 8, 1993.

Date of Intended Adoption: April 9, 1993.

March 8, 1993
Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-021 Presiding officer. (1) The director will designate the presiding officer for an adjudicative proceeding:

(a) In matters involving an adjudicative proceeding, the director may designate as presiding officer an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW, or the deputy director;

(b) In matters involving ~~((a))~~ an emergency or brief adjudicative proceeding or involving a proceeding pursuant to WAC 16-08-022, the director may designate ~~((an assistant director))~~ in writing staff persons to function as the presiding officer. ~~((In matters involving emergency adjudicative proceedings the director may designate an assistant director, the deputy director, or the deputy director's assistant as presiding officer.))~~

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer shall have the authority to:

(a) Determine the order of presentation of evidence;

(b) Administer oaths and affirmations;

(c) Issue subpoenas;

(d) Rule on procedural matters, objections, and motions;

(e) Rule on offers of proof and receive relevant evidence;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(h) Take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Take any other action necessary and authorized by any applicable statute or rule;

(k) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

NEW SECTION

WAC 16-08-022 Consolidation of proceedings. The department may consolidate an emergency adjudicative proceeding with an adjudicative proceeding on the merits.

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-141 Brief adjudicative proceedings. (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and

where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Actions taken by the agency based on the failure:
 - (i) To maintain, supply, or display records; and/or
 - (ii) To display evidence of a license; and/or
 - (iii) To display or post information required by law; and/or
 - (iv) To possess required insurance, bonding or other security.
- (b) Actions taken with respect to late application renewal fees.
- (c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.
- (d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.
- (e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.
- (f) Penalty actions taken with respect to cattle breed name use.
- (g) Penalty actions taken against milk producers pursuant to RCW 15.36.115 or 15.36.595.
- (h) Dairy degrade or permit suspension actions taken pursuant to (~~RCW 15.36.595~~) chapter 15.36 RCW.
- (i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.
- (j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036(±).
- (k) Actions taken with respect to pesticide registration under RCW 15.58.110.
- (l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.
- (m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.
- (n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.
- (o) Actions taken with respect to destruction or treatment of quarantined animals pursuant to RCW 16.36.090.
- (p) Actions taken with respect to licenses for garbage feeding to swine pursuant to RCW 16.36.108.
- (q) Actions taken with respect to licenses related to custom farm slaughter pursuant to chapter 16.49 RCW.
- (r) Actions taken with respect to licenses related to custom meat facilities pursuant to chapter 16.49 RCW.
- (s) Actions taken with respect to approval of livestock pens within feedlots pursuant to RCW 16.58.080.
- (t) Actions taken with respect to certified feed lot licenses pursuant to RCW 16.58.130.
- (u) Actions taken with respect to seizure and destruction of incorrect weights and measures pursuant to RCW 19.24.250.
- (v) Actions taken with respect to licenses of grain dealers or warehousemen pursuant to RCW 22.09.471.

(w) Revocation of compliance agreements for the completion of state phytosanitary, sanitation, or brown garden snail certificates pursuant to chapters 15.13 and 17.24 RCW.

(x) Revocation of compliance agreements for preprinting or use of rubber stamps for nursery stock inspection certificates pursuant to chapter 15.13 RCW.

(y) Revocation of compliance agreements for root sampling of nursery stock pursuant to chapter 15.13 RCW.

Plant Certification

(aa) Agency refusal to certify seed stocks because of misleading or confusing labeling pursuant to chapter 15.60 RCW and WAC 16-316-345.

(bb) Rescinding of permit for seed conditioning pursuant to chapter 15.60 RCW and WAC 16-316-185(8).

(cc) Expulsion from or refusal to allow entry into a seed or plant certification program pursuant to chapters 15.60 and 15.13 RCW.

(2) A party to a brief adjudicative hearing has twenty days to file an application or request from the date of service of the department's notice of intent to take action. The application or request for a brief adjudicative hearing shall be filed at the address listed on the form provided by the department. The party filing the application or request for a brief adjudicative proceeding shall submit a written explanation of their view of the matter along with the application or request. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties. Oral statements may be submitted and considered as follows:

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, it should be requested in the application or request.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ten days after entry.

(4) The presiding officer's written decision is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) The reviewing officer shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the director receives the request within twenty-one days from the service of the initial order. If no request is filed in a timely manner, the reviewing officer may review, on his or her own motion, an order resulting from a brief adjudicative proceeding and adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain his or her view of the matter.

(6) A request for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. The request for review shall be filed with the director and copies shall be served on all parties, and evidence of such service filed. Responses to a request for review of an initial order shall be filed with the director and served on all parties within ten days after service of the request for review.

(7) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(8) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding and/or by the reviewing officer for any review.

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-151 Emergency adjudicative proceedings. (1) Pursuant to RCW 34.05.479, the department shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the department. Such situations shall include:

(a) Failure to possess required insurance, bonding or other security.

(b) Health, safety, or welfare violations when the violation involves an immediate danger to the public health, safety, or welfare, including, but not limited to, decisions by the department to condemn horticultural plants under chapter 15.13 RCW; or to condemn infested or infected articles under chapter 15.08 RCW; or to issue stop sale, use, or removal order under chapter 15.49 RCW; or to quarantine apiaries under chapter 15.60 RCW; or to ~~((condemn or))~~ impound infested, infected, or regulated articles pursuant to chapter 17.24 RCW; or to close food processing facilities under chapter 69.07 RCW; or under rules or regulations of the director adopted pursuant to such laws.

(2) The summary order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 10-08-110. The order shall also give the affected party forty-eight hours from receipt of the order to request an adjudicative proceeding on the order, or, in the alternative, the director may in the order automatically establish a date affording the affected party the opportunity to present any defense concerning why the summary order is incorrect.

(3) A decision made upon the emergency adjudicative proceeding shall be expressed in a written order which shall be served on all parties within five days after its entry. This written order is a final order.

(4) The summary order shall be effective pending disposition on the merits of the denial, suspension or revocation of authority.

WSR 93-07-035
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Filed March 10, 1993, 11:55 a.m.]

Original Notice.

Title of Rule: WAC 388-330-010 Purpose and authority; 388-330-020 Scope; 388-330-030 Application of inquiry findings; and 388-330-050 Release of information.

Purpose: Deletes the requirement to check the central registry of child abuse which is now defunct. WAC 388-330-030 amended to specify conditions for a waiver to allow an otherwise disqualified person to provide child care.

Statutory Authority for Adoption: RCW 74.15.030.

Statute Being Implemented: RCW 74.15.030.

Summary: Removes the requirement to check the central registry when doing background checks. Provides guidelines for waivers for persons who have committed listed offenses and appears to be rehabilitated.

Reasons Supporting Proposal: Repealed the central registry of child abuse. Grants waivers by various DCFS units to allow persons who have committed offenses listed in this chapter to provide child care.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Children's Administration, 753-0204.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia 98504, FAX 664-0118 or SCAN 366-0118, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 10, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 2777, filed 3/22/89)

WAC 388-330-010 Purpose and authority. This chapter establishes policy within the department of social and health services for conducting ~~((central registry and))~~ criminal history portions of background inquiries and checks of Washington state patrol's child abuse information file on those licensed or authorized by the department to care for children or developmentally disabled persons. Such inquiries are required under RCW 74.15.030.

AMENDATORY SECTION (Amending Order 2777, filed 3/22/89)

WAC 388-330-020 Scope. (1) Background inquiries. The department's background inquiries:

(a) ~~((Inquiries))~~ Shall include, but ~~((are))~~ not be limited to review of:

(i) ~~((Review of))~~ Records of criminal convictions and pending criminal charges as listed by the Washington state patrol (WSP) per chapters 10.97 and 43.43 RCW;

(ii) ~~((Review of the central registry of abuse and neglect established per RCW 26.44.070, repealed pursuant to 2SSB 5063, chapter 486, Laws of 1987; and~~

~~((iii) Review of))~~ Washington state patrol file of a person found to be a child abuser in a civil adjudication or a disciplinary board final decision; and

((iii) Child protective service and case file information in the case and management information system and division of children and family services (DCFS) records.

(b) ~~((Inquiries))~~ May include a review of law enforcement records of convictions and pending charges in other states or locations ~~((whenever))~~ when the need for further information is indicated by:

- (i) ~~((An individual's))~~ A person's prior residences;
- (ii) Reports from credible community sources; or
- (iii) An identification number indicating the subject has a record on file with the Federal Bureau of Investigation.

(2) Affected persons. Persons subject to background inquiries include:

(a) All persons licensed to care for children or disabled persons under:

- (i) Chapter 74.15 RCW; or
- (ii) Contract with the department to provide that care.

(b) All staff, employed by licensed or authorized providers, involved in the direct care or supervision of children and developmentally disabled persons;

(c) Any volunteer or other person having regular, unsupervised access to children or developmentally disabled persons in facilities, homes, or operations licensed or authorized by the department to provide care under chapter 74.15 RCW.

(3) Persons not affected. This chapter does not apply to schools, hospitals, or other facilities where the primary focus is not custodial and where the provider is not acting in place of the parent.

(4) This chapter does not apply to persons being considered for employment or volunteer activities with the department of social and health services. Background check requirements applicable to department employees and volunteers are set forth in MSR 326-26-140 and 2SSB 5063, chapter 486, Laws of 1987, respectively.

AMENDATORY SECTION (Amending WSR 92-08-038, filed 3/24/92, effective 4/24/92)

WAC 388-330-030 Application of inquiry findings.

(1) For the purposes of conducting criminal history portions of background inquiries under RCW 74.15.030, the department shall only consider ~~((only))~~ a person's convictions and pending charges. The department shall not solicit or use as the sole basis for disqualification information about:

- (a) Arrests not resulting in charges; and
- (b) Dismissed charges.

(2) The department shall maintain a listing of offenses which, because of their seriousness, shall disqualify prospective care providers from being licensed or otherwise authorized to provide care to children or developmentally disabled persons. The following offenses or their equivalents in jurisdictions outside of the state of Washington shall constitute that list:

- (a) Aggravated murder;
- (b) Murder in the first degree;
- (c) Murder in the second degree;
- (d) Manslaughter in the first degree;
- (e) Manslaughter in the second degree;
- (f) Simple assault, if the assault involves physical harm to another person;
- (g) Assault in the first degree;
- (h) Assault in the second degree;
- (i) Assault in the third degree;
- (j) Custodial assault;
- (k) Vehicular homicide;
- (l) Criminal mistreatment in the first degree;
- (m) Criminal mistreatment in the second degree;
- (n) Reckless endangerment;
- (o) Kidnapping in the first degree;
- (p) Kidnapping in the second degree;
- (q) Unlawful imprisonment;
- (r) Rape in the first degree;
- (s) Rape in the second degree;
- (t) Rape in the third degree;
- (u) First degree rape of a child;
- (v) Second degree rape of a child;
- (w) Third degree rape of a child;
- (x) Child molestation in the first degree;
- (y) Child molestation in the second degree;
- (z) Child molestation in the third degree;
- (aa) Sexual misconduct with a minor in the first degree;
- (bb) Sexual misconduct with a minor in the second degree;
- (cc) Indecent liberties;
- (dd) Felony indecent exposure;
- (ee) Arson in the first degree;
- (ff) Arson in the second degree;
- (gg) Burglary in the first degree;
- (hh) Extortion in the first degree;
- (ii) Extortion in the second degree;
- (jj) Robbery in the first degree;
- (kk) Robbery in the second degree;
- (ll) Incest in the first degree;
- (mm) Incest in the second degree;
- (nn) Promoting prostitution in the first degree;
- (oo) Promoting prostitution in the second degree;
- (pp) Sexual exploitation of a minor;
- (qq) Communication with a minor for immoral purposes;
- (rr) Child selling - child buying;
- (ss) Public indecency, if toward a person under ~~((the age of))~~ fourteen years of age;
- (tt) Prostitution;
- (uu) Dealing in depictions of a minor engaged in sexually explicit conduct;
- (vv) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct;

(ww) Possession of depictions of a minor engaged in sexually explicit conduct;
 (xx) Patronizing a juvenile prostitute;
 (yy) Family abandonment;
 (zz) Child abandonment;
 (aaa) Unlawfully manufacturing, delivering, or possessing, with intent to deliver, a controlled substance;
 (bbb) Promoting a suicide attempt;
 (ccc) Malicious harassment;
 (ddd) Promoting pornography;
 (eee) Coercion;
 (fff) Child abuse or neglect as defined ~~((#))~~ under RCW 26.44.020;

(ggg) Violation of child abuse restraining order; and
 (hhh) First or second degree custodial interference.

(3) Whenever a criminal history inquiry reveals a prospective care provider has been charged with or convicted of an offense ~~(, or has been listed in the central registry as a perpetrator of substantiated child abuse or neglect,)~~ or is in the WSP file as a person found to be a child abuser in a civil adjudication or disciplinary board final decision, the department shall take action as follows:

(a) If it is confirmed the subject's name appears on the aforementioned WSP file of child abusers, that person shall not be licensed, employed by licensees or contractors, serve in a volunteer capacity for licensees or contractors, or otherwise be authorized by the department to provide care ~~(- If the subject's name appears on the central registry of child abuse, the individual shall be disqualified))~~;

(b) If the inquiry reveals charges are pending against the subject for any of the offenses listed in subsection (1) of this section, or their equivalents in other jurisdictions, the department shall withhold licensure or authorization to provide care until dismissal or acquittal occurs. Pending charges for other offenses may be grounds for withholding licensure or authorization to provide care. If the inquiry reveals pending charges are more than one year old, the department shall contact the charging law enforcement agency to determine the disposition or status of the charge;

(c) If the inquiry reveals the subject has been convicted of any of the offenses listed in subsection (1) of this section or their equivalents in other jurisdictions, the department shall deny licensure or authorization to provide care ~~((;))~~. The department may grant a waiver if it is demonstrated by clear, cogent, and convincing evidence that the person is rehabilitated and is able to comply with licensing requirements. In making this determination, the department shall consider:

(i) The seriousness and circumstances of the illegal act;

(ii) The number of crimes for which the person was convicted;

(iii) The amount of time passed since the illegal act was committed;

(iv) The age of the person at the time of conviction;

(v) Whether the person has entered and successfully completed all appropriate rehabilitative services, including those ordered by a court;

(vi) The behavior of the person since the illegal act was committed;

(vii) Recommendations of persons closely associated with the person;

(viii) The duties the person would perform at the agency, and the vulnerability of the persons under care; and
(ix) Other evidence of rehabilitation.

If the department licenses or approves a person under this section, it may place limitations or conditions on the person in the performance of the person's duties at the agency.

(d) If the inquiry reveals the subject has been convicted of an offense not listed, the department shall consider such information in determining the character, suitability, and competence of the prospective caretaker as required by chapter 74.15 RCW. However, the department shall not use conviction as the sole basis for denial of licensure or authorization to provide care unless the conviction is directly related to the employment, licensure, or authorization being sought. The department shall consider the recency, seriousness, kind, and number of previous offenses, as well as the vulnerability of the clients to be cared for.

AMENDATORY SECTION (Amending Order 2777, filed 3/22/89)

WAC 388-330-050 Release of information. (1) Release of criminal history information.

(a) Unless there is a signed release of information, the department may only share with a provider:

(i) The criminal inquiry information used to disqualify an employee or volunteer of that provider; or

(ii) The fact the subject is listed on the Washington state patrol's child abuse information file if that is the basis for a disqualification.

(b) The department shall not share any other inquiry information with the provider or provider's employees unless the department withheld licensure or care authorization based on that information.

(2) Release of ~~((central registry))~~ abuse information from department files.

(a) The department shall not share with care providers or prospective providers any abuse information in ~~((the central registry))~~ department files.

(b) Unless there is a release of information signed by the employee, the department may only tell a provider or prospective provider that the results of the department's background inquiry disqualify the employee. Even if the employee has signed a release of information, the department shall not discuss identifying information about the victim of the abuse.

(3) Release of inquiry findings to the subject of inquiry. The department shall provide disqualified care providers with inquiry findings about themselves if the providers:

(a) Make ~~((s))~~ the requests in writing ~~((;))~~; and

(b) Offer ~~((s))~~ proof of identity.

WSR 93-07-038

PROPOSED RULES

HARDWOODS COMMISSION

[Filed March 11, 1993, 3:30 p.m.]

Original Notice.

Title of Rule: Chapter 244-12 WAC, Washington Hardwoods Commission.

Purpose: To promote the general welfare of the state by assisting in the retention, expansion and attraction of hardwood related industries in the state of Washington.

Statutory Authority for Adoption: Chapter 15.74 RCW. Statute Being Implemented: Chapter 15.74 RCW.

Summary: These rules address the purpose of the commission, election of board members, board procedures and assessments.

Reasons Supporting Proposal: To meet the intent of the legislature of promoting the hardwood industry in the state.

Name of Agency Personnel Responsible for Drafting: David A. Sweitzer, 3400 Capitol Way, #201, Olympia 98504, (206) 586-4080; Implementation: Rod Remington, 3400 Capitol Way, #201, Olympia 98504, (206) 586-4080; and Enforcement: Laurence Johnson, 3400 Capitol Way, #201, Olympia 98504, (206) 586-4080.

Name of Proponent: Washington Hardwoods Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules address the purpose of the commission, election of board members, board procedures and collection of assessments. It is anticipated that these rules will contribute to the growth and prosperity of the hardwoods industry in the state of Washington.

Proposal Changes the Following Existing Rules: Adding the Hardwood Processors Quarterly Assessment Report and amends WAC 244-12-060 to require completing the form and submitting with payment.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The commission has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not for the following reasons: The rules do not have a proportionate burden on small business because the assessment process is based on the volume of product. Accordingly, the impact is proportionate to the size of the business; and the rules do not affect more than 20% of all industries classified by Standard Industrial Classifications 241-243, 249, 261-263.

Hearing Location: Hearing Room D, John L. O'Brien Building, Olympia, Washington, on April 29, 1993, at 10:00 a.m.

Submit Written Comments to: Washington Hardwoods Commission, Mailstop QE-22, 3400 Capitol Way, Suite 201, Olympia, WA 98504, by June 5, 1991 [1993].

Date of Intended Adoption: May 6, 1993.

March 10, 1993
David A. Sweitzer
Executive Director

NEW SECTION

WAC 244-12-100 Hardwood processors quarterly assessment report form.

HARDWOOD PROCESSORS QUARTERLY ASSESSMENT REPORT
Processor Name:
Address:
Zip

Phone Number: Fax:
Prepared By:

QUARTERLY QUANTITY OF LOGS PROCESSED

Tons

Red Alder Logs:
Other Hardwood:
Total Tons of Logs:
Assessment to be paid pursuant to WAC 244-12-050 and remitted with this report:

I hereby certify that the information contained on this form is true, accurate and complete to the best of my knowledge.

Signed: Date:

Title:

Table with 2 columns: PRINCIPAL PRODUCTS PRODUCED and VOLUME. Rows include Kiln Dried Hardwood Lumber, Green Hardwood Lumber, Hardwood Veneer, etc.

*Upon receipt by the Commission, this information will be excised from the report form to ensure processor anonymity. This information will be used to compile aggregate industry volumes to determine the size and scope of various products.

AMENDATORY SECTION (Amending WSR 91-14-055, filed 6/27/91)

WAC 244-12-060 ((Time—Place—Method for payment and collection of assessments.)) Volume reporting and assessment payment procedures. ((Effective July 1, 1991, the following procedure is established for the reporting and paying of assessments levied pursuant to RCW 15.74.060 and WAC 244 12 050. All assessments in a quarter are due to the commission within forty five days after the end of the quarter. Assessments shall be determined on a quarterly basis. The first quarter shall commence on July 1, 1991.))

(1) Effective July 1, 1993, each affected processor, and each person who has been an affected processor during one or more of the preceding four quarters, shall, on a quarterly basis, complete and submit to the commission a hardwood processors quarterly assessment report form, as set forth in WAC 244-12-100.

(2) Each affected processor levied a quarterly assessment pursuant to RCW 15.74.060 and WAC 244.12.020 shall remit said assessment to the commission on a quarterly basis, along with the affected processor's quarterly assessment report.

(3) Quarterly assessments and quarterly assessment reports required by this section are due to the commission within forty-five days after the end of the quarter.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-07-042
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Filed March 12, 1993, 1:38 p.m.]

Please accept this as official notice to withdraw proposed rule making regarding WAC 173-400-070 and 173-400-116. These two sections were filed with your office under WSR 92-18-096 and distributed in the 92-18 State Register.

The remaining sections of chapter 173-400 WAC, covered under the supplemental notice to WSR 92-18-096, filed February 17, 1993, 10:44 a.m., are still scheduled for adoption July 6, 1993.

Mary Riveland
 Director

WSR 93-07-045
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD

[Filed March 15, 1993, 10:47 a.m.]

Original Notice.

Title of Rule: Chapter 136-320 WAC, Pavement management systems.

Purpose: Revises permanent rules for the implementation of chapter 42, Laws of 1990, regarding pavement management systems.

Statutory Authority for Adoption: RCW 36.78.070 and 46.68.095(4).

Statute Being Implemented: RCW 46.68.095(4).

Summary: The proposed revision establishes criteria for individual county implementation of a pavement management system, methods and frequency of visual pavement ratings, criteria for reporting and documentation, and an implementation date of January 1, 1996.

Reasons Supporting Proposal: The authorizing statute directs the County Road Administration Board to adopt reasonable rules and develop policies to implement this program.

Name of Agency Personnel Responsible for Drafting: Reid Wheeler, County Road Administration Board, (206) 753-5989; Implementation and Enforcement: Vern Wagar, County Road Administration Board, (206) 753-5989.

Name of Proponent: County Road Administration Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule will provide procedural guidelines to all counties as to the implementation of a pavement manage-

ment system as a requirement of eligibility for county arterial preservation account funds as authorized by the 1990 legislature.

Proposal Changes the Following Existing Rules: The existing rule was based on two future events; the development of a pavement management system computer program, and the development of methods and procedures for visual pavement ratings. Both of these are complete. This proposal changes the permanent rule to include the results and criteria of these, and to address concerns raised by the counties since adoption of the existing rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Red Lion Inn, 1507 North 1st Street, Yakima, WA 98901-9990, on Tuesday, May 4, 1993, at 10:00 a.m.

Submit Written Comments to: County Road Administration Board, 2404 Chandler Court S.W., Olympia, WA 98504-0913, by April 30, 1993.

Date of Intended Adoption: May 4, 1993.

February 24, 1993

Vern E. Wagar
 Executive Director

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-010 Definition. A pavement management system (~~((PMS))~~) is a systematic (~~((method used to preserve and maintain paved road systems by analyzing pavement life cycles, determining when and what kind of pavement preservation work is necessary and most cost effective, and budgeting funds accordingly to prevent major road deterioration. A key element of a PMS is the capacity to plan))~~) analytical tool used to preserve and maintain paved road systems by periodic surveys of pavement condition and analysis of pavement life cycles to assess overall system performance and costs, and to determine the alternative strategies and costs necessary to prevent significant road deterioration. A key element of a PMS is its ability to provide pavement preservation ((work)) alternatives based upon a predictive pavement deterioration model ((or process)).

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-020 Application. A (~~((county's))~~) pavement management system shall be (~~((applied to the pavement preservation and rehabilitation activities of all county paved arterials. Application to the local access system, although desirable, shall not be required to receive CAPA))~~) used by all counties to guide the pavement preservation and rehabilitation activities on all county paved arterial roads. Beginning January 1, 1996, each county shall utilize a computer-based pavement management system (PMS) meeting the requirements of WAC 136-320-030 on all county paved arterial roads in order to retain eligibility for CAPP funds. Application of the PMS to the local access system will not be required to retain eligibility for CAPP funds.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-030 (~~(Submittals by counties.)~~)

Pavement management system requirements. (~~In order for a county to be eligible for CAPA funds the county road engineer must submit a description of the county's current pavement management system. Work done prior to the submittal of the pavement management system description shall not be eligible for CAPA funding. The description must contain sufficient information, including specific policies and/or procedures, to evaluate the adequacy of the following items:~~

~~(1) System definition. The PMS must assure that all paved arterial lane miles are included for analysis and that system changes, additions, and deletions are periodically incorporated into the system definition. This shall also include a system of maintaining a historical record of all resurfacing and/or rehabilitation work on all paved arterials.~~

~~(2) Condition rating criteria. The PMS must contain specific descriptions of how pavement condition is determined, the frequency of the determination, and the threshold(s) at which the various preservation actions should be programmed. Condition determination, frequency, and thresholds may vary depending upon pavement type and operational characteristics of road groups.~~

~~(3) Annual prioritization. The PMS must contain specific description of the county's method for the advance determination of which paved arterial road segments will receive priority in the annual expenditure for pavement preservation and rehabilitation regardless of the source of the funds. This item shall also include discussion of how local access roads are included in the prioritization process.~~

~~(4) Advance programming. The PMS must contain specific description of the county's procedures to estimate future pavement preservation and reconstruction needs on at least an annual basis so as to prevent major arterial road deterioration.)~~ Each county's PMS shall meet the following minimum standards:

(1) All county jurisdiction paved arterials, as defined by the most recently approved county road log as described in chapter 136-60 WAC, shall be surveyed for visual pavement distress at least biennially. Distress rating information must be keyed to the county road log by both road number and mileposts.

(2) All visual distresses (or defects) for both flexible and rigid pavements, both in severity and extent, shall be as defined within the "Pavement Surface Condition Rating Manual" (March 1992, produced by the Washington state transportation center in cooperation with the Northwest Pavement Management Systems Users Group and the Washington state department of transportation). Only those distresses noted as "core program defect" are required to be surveyed. Measurement may be at the project, segment, or sample unit level. Measurement for each distress will be by:

(a) Selection of the most predominant severity and extent combination; or

(b) By determination of the extent percent of each level of severity.

Measurement may be by a manual or automated visual condition rating process. The distress information will be converted to a pavement condition rating in accordance with

a standard deduct matrix or continuous deduct value curves as provided by the CRABoard. Alternate deduct matrices may be used by a county for internal management analyses. Alternate distress determination and evaluation methodologies may be used if approved by the CRABoard in accordance with WAC 136-320-040.

(3) The PMS shall provide for the recording and storage of pavement resurfacing, rehabilitation, and reconstruction history data, including surfacing and base layer types and thicknesses, and year of application. Counties will not be required to determine such information for any work done prior to the county's implementation date.

(4) The PMS shall include a future pavement condition prediction model that uses the periodic pavement condition distress data to forecast future pavement condition and to determine an estimate of service life.

(5) The PMS shall provide for annual downloading to the CRABoard of:

(a) The individual pavement distresses;

(b) The resultant pavement condition rating based on the CRABoard-provided standard deduct matrix; or

(c) The resultant pavement condition rating for an approved alternative PMS as described in WAC 136-320-040, for all paved arterials surveyed for pavement condition in the previous twelve months.

Such downloading shall be called the pavement condition data file. It shall be keyed to the county road log, and shall be transmitted in the electronic medium and format specified by the CRABoard, along with the annual road log update required by chapter 136-60 WAC.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-040 (~~(Evaluation.)~~) **Alternative pavement management system requirements.** (~~Upon receipt of a county's pavement management system description, the executive director shall evaluate it as to its adequacy in meeting the requirements. The executive director shall notify the county road engineer of the evaluation.)~~ Alternative PMS distress determination and evaluation methodologies, processes, or systems may be used if they yield pavement condition ratings comparable to the process described in WAC 136-320-030(2). Counties intending to use an alternative process must satisfactorily demonstrate to the CRABoard that the alternative process is based on sound pavement engineering principles and is comparable in quality and scale through research results, documented conversion equations, statistical sampling, or other methods.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-050 (~~(Modifications.)~~) **State-wide pavement condition data file.** (~~Subsequent to the initial submittal of a county's pavement management system description, the county road engineer shall notify the executive director, in writing, of any substantive changes in the county's PMS process. All changes will be evaluated by the executive director in the same manner as the original evaluation and notification provided to the county road engineer.)~~ The county road administration board shall maintain a pavement condition data file, organized by

county, containing the pavement condition ratings as provided annually by each county.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-060 Annual review. ((In conjunction with the annual determination of CAPA allocations as set forth in chapter 136-310 WAC, the executive director shall review the status of each county's pavement management system and report his findings to the CRABoard. The review shall consider the original description submittal, any subsequent modifications and a staff evaluation of the adequacy of implementation. The staff evaluation shall be drafted and a copy sent to the respective county engineer not less than two weeks prior to the CRABoard's annual CAPA allocation meeting.)) On an annual basis, beginning in calendar year 1993, the executive director of the county road administration board shall review the implementation and, beginning in calendar year 1995, the compliance with the requirements of WAC 136-320-030 or 136-320-040 and report the results to the CRABoard.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-070 ((Standardization.)) CRAB assistance. (((1) Distress methodology. In order to achieve uniformity in pavement condition determination for analysis and reporting purposes, the CRABoard shall adopt one or more standard pavement distress identification and analysis methodologies. Upon adoption, the standard or standards shall be provided to each county. Each county shall utilize the adopted standard/standards or an acceptable alternate.

(2) Alternate methodologies. Any county which utilizes pavement condition or distress data different from a CRAB standard shall either modify its PMS process to accommodate the standard or shall demonstrate to the satisfaction of the CRABoard the equivalency of county's method to the CRAB standard. The county shall be responsible for providing any research documents, conversion equations, or other technical support such that the county's pavement condition data can be correctly converted to the CRAB standard.

(3) Retention of CAPA eligibility. No county shall be eligible for CAPA funds that have not met the requirements of subsections (1) and (2) of this section within three years of CRAB's promulgation of standards.)) To enable each county to meet its eligibility requirements, CRAB shall provide a PMS software application and training as part of its agency-supported county road information system. CRAB shall also provide to counties, upon request, administrative and technical assistance related to defining, developing, operating, managing, and utilizing pavement management technology.

AMENDATORY SECTION (Amending Order 81, filed 11/6/90, effective 12/7/90)

WAC 136-320-080 ((CRAB assistance.)) Use of pavement management system data for distribution of county arterial preservation account funds. ((To enable each county to meet its eligibility requirements, CRAB will

~~update its existing WSC2 PMS micro computer software so that it is fully integrated with the county road log through the county road information system (CRIS). Upon completion, CRAB will make the updated software and appropriate training available to counties on request. CRAB shall also provide, on request, administrative and technical assistance related to defining, developing, operating, managing, and utilizing current pavement management technology.)) The results and/or data from the individual or collective county PMS's will not be used to distribute county arterial preservation funds nor to establish priorities for specific projects or otherwise alter the statutory fund distribution. Said results and/or data will be used to evaluate regional or state-wide arterial pavement preservation and rehabilitation needs and to demonstrate compliance with the enabling legislation.~~

WSR 93-07-046
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed March 15, 1993, 10:54 a.m.]

Original Notice.

Title of Rule: Special services—Fair start early prevention and intervention.

Purpose: To establish policies and procedures for implementation of RCW 28A.600.425 early prevention and intervention services for elementary level students.

Statutory Authority for Adoption: RCW 28A.600.425.

Statute Being Implemented: Chapter 180-167A WAC.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, 753-2298; Implementation: John Pearson, Old Capitol Building, 753-1545; and Enforcement: Christine McElroy, Old Capitol Building, 753-6760.

Name of Proponent: Office of Superintendent of Public Instruction, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Required to implement RCW 28A.600.425.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Fair start is a district-wide program of early detection, prevention, and intervention of learning, emotional, environmental, social, or physical problems of elementary students. This program addresses student and family needs; the appropriate use and roles of child intervention; interprofessional cooperation; and interagency (both public and private) collaboration of planning, delivery, and evaluation of programs and services.

Proposal Changes the Following Existing Rules: Changes the program rules for fair start program from chapter 180-122 WAC to chapter 180-167A WAC.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on April 30, 1993, at 9:00 a.m.

PROPOSED

Submit Written Comments to: Richard M. Wilson, P.O.
 Box 47200, Olympia, WA 98504-7200, by April 27, 1993.
 Date of Intended Adoption: May 7, 1993.

March 15, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

FAIR START PROGRAM

NEW SECTION

WAC 392-122-400 Fair start program—Applicable provisions. The following sections of this chapter apply to the distribution of state moneys for early intervention and prevention services (the fair start program) pursuant to RCW 28A.600.425 through 28A.600.450 and the biennial Operating Appropriations Act:

- (1) WAC 392-122-400 through 392-122-415; and
- (2) WAC 392-122-900 through 392-122-910.

NEW SECTION

WAC 392-122-401 Fair start program—Timely reporting. The provisions of chapter 392-117 WAC, Timely reporting, apply to state fair start program funding. Failure of a district to report in the form or by the due date required by the superintendent of public instruction can result in the reduction, delay, or recovery of state moneys.

NEW SECTION

WAC 392-122-405 Fair start program—Definition—Kindergarten through sixth grade annual average full-time equivalent students. As used in WAC 392-122-400 through 392-122-415 "kindergarten through sixth grade annual average full-time equivalent students" means the annual average full-time equivalent students as defined in WAC 392-121-133 enrolled in grades kindergarten through six.

NEW SECTION

WAC 392-122-410 Fair start program—Definition—Approved fair start program. As used in WAC 392-122-415, "approved fair start program" means a school district or educational service district fair start program approved by the superintendent of public instruction pursuant to chapter 392-169 WAC.

NEW SECTION

WAC 392-122-415 Fair start program—Apportionment of moneys to school districts and educational service districts. From moneys appropriated by the legislature for early intervention and prevention services, the superintendent of public instruction shall apportion moneys as follows:

- (1) Allocations shall be based on a uniform state-wide rate per annual average full-time equivalent student as determined by the superintendent of public instruction.
- (2) Allocations to school districts operating an approved fair start program shall be based on the kindergarten through

sixth grade annual average full-time equivalent students of the school district.

(3) Allocations to educational service districts operating an approved fair start program shall be based on the combined kindergarten through sixth grade annual average full-time equivalent students enrolled in school districts served through the educational service district and identified pursuant to WAC 392-169-055(10).

(4) Payments shall be made in the manner prescribed in WAC 392-121-400 except that payments shall be at a rate of ten percent per month for the months of September through June.

WSR 93-07-047
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed March 15, 1993, 10:55 a.m.]

Original Notice.

Title of Rule: State allocations for early intervention services in public schools.

Purpose: To repeal obsolete sections.

Statutory Authority for Adoption: RCW 28A.150.290 and 28A.300.040.

Statute Being Implemented: Section 514(14), chapter 16, Laws of 1990 1st ex. sess.

Summary: Rules governing allocations for early intervention services for the 1990-91 and 1991-92 school years are repealed.

Reasons Supporting Proposal: New rules will be adopted governing allocations for the 1992-93 school year and thereafter.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, 753-2298; Implementation: Thomas Case, Old Capitol Building, 753-6708; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on April 30, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by April 27, 1993.
 Date of Intended Adoption: May 7, 1993.

March 15, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-140-250 Early intervention services allocation—Applicable provisions.
- WAC 392-140-252 Early intervention services allocation—Definition—Annual average full-time equivalent students.
- WAC 392-140-253 Early intervention services allocation—Definition—Kindergarten through sixth grade annual average full-time equivalent students.
- WAC 392-140-254 Early intervention services allocation—Definition—Form SPI 1195.
- WAC 392-140-255 Early intervention services allocation—Definition—Form SPI 1102E.
- WAC 392-140-256 Early intervention services allocation—Definition—Form SPI 1100E.
- WAC 392-140-257 Early intervention services allocation—Definition—Allowable expenditures for early intervention and prevention services.
- WAC 392-140-258 Early intervention services allocation—Definition—Eligible school district.
- WAC 392-140-259 Early intervention services allocation—Definition—Eligible enrollment served by the educational service district.
- WAC 392-140-265 Early intervention services allocation—Apportionment of moneys to school districts and educational service districts.
- WAC 392-140-266 Early intervention services allocation—Reporting requirements.
- WAC 392-140-267 Early intervention services allocation—Recovery of moneys.

WSR 93-07-048
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed March 15, 1993, 10:58 a.m.]

Original Notice.

Title of Rule: Apportionment of state moneys for the fair start program.

Purpose: To define procedures to be used by the Superintendent of Public Instruction in allocating state moneys for early intervention services in the public schools in the 1992-93 school year and thereafter.

Other Identifying Information: Companion rules governing the fair start program are proposed for chapter 392-169 WAC.

Statutory Authority for Adoption: RCW 28A.600.445
 Statute Being Implemented: RCW 28A.600.425 through 28A.600.450.

Summary: State moneys are allocated based on a statewide uniform rate times the number of full-time equivalent students in the fair start program. Allocations for schools with less than 1000 students shall be made to educational service districts.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Old Capitol Building, 753-2298; Implementation: Thomas Case, Old Capitol Building, 753-6708; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504-7200, on April 30, 1993, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by April 27, 1993.

Date of Intended Adoption: May 7, 1993.

March 15, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

Chapter 392-167A WAC
SPECIAL SERVICES—FAIR START EARLY PRE-
VENTION AND INTERVENTION

NEW SECTION

WAC 392-167A-005 Authority. The authority for this chapter is RCW 28A.600.425 which authorizes the superintendent of public instruction to adopt rules and regulations for the implementation of the fair start program.

NEW SECTION

WAC 392-167A-010 Purpose. The purpose of this chapter is to establish policies and procedures for implementation of the fair start program consisting of early prevention and intervention services for elementary level students.

NEW SECTION

WAC 392-167A-015 Definition—Fair start program. As used in this chapter, the term "fair start program" means a district-wide program or plan of early detection, prevention, and intervention of learning, emotional, environmental, social, or physical problems of elementary students, that addresses student and family needs; the appropriate use and

roles of child intervention specialists, including training and necessary supervision; interprofessional cooperation; and interagency, public and private, collaboration and coordination of the planning, delivery, and evaluation of programs and services.

NEW SECTION

WAC 392-167A-020 Definition—Child intervention specialists or community based human service provider.

As used in this chapter, a "child intervention specialist" or "community based human service provider" means a person who provides early prevention and intervention services that include, but are not limited to, services provided by:

- (1) School counselors;
- (2) School psychologists;
- (3) School nurses;
- (4) School social workers;
- (5) Health care providers;
- (6) Licensed mental health professionals;
- (7) Child psychiatrists;
- (8) Social service caseworkers or social workers.

NEW SECTION

WAC 392-167A-025 Definition—Elementary level.

As used in this chapter, "elementary level" means kindergarten through grade six, and may include preschool age children served by school districts.

NEW SECTION

WAC 392-167A-030 Definition—Early intervention services. As used in this chapter, "early intervention services" means services that are provided to address social and emotional factors that can affect student performance and behavior and that are provided as problems emerge.

NEW SECTION

WAC 391-167A-035 Definition—Prevention services.

As used in this chapter, "prevention services" means services that are provided to address social, emotional factors that can affect students' performance and behavior and that are provided to elementary level students before problems occur.

NEW SECTION

WAC 392-167A-040 Definition—Supplant. As used in this chapter, the term "supplant" means the use of moneys made available under this chapter to replace moneys supporting an existing program or activity addressing early prevention and intervention programs. However, districts currently providing services for early prevention and intervention services that lose the source of funding for reasons beyond the control of the district may use fair start funding to continue or enhance the existing level of prevention and intervention service.

NEW SECTION

WAC 392-167A-045 Applications for funding—Qualified applicants. School districts which enroll more than one thousand full-time equivalent students may apply

for fair start program funding individually or cooperatively with one or more other school districts. School districts which enroll less than one thousand full-time equivalent students shall first enter into a cooperative agreement with the appropriate educational service district which, in turn, may apply for fair start program funding. An application by or in behalf of a cooperative shall be submitted by the district which is primarily responsible for administering the cooperative, which shall be the appropriate educational service district in the case of cooperatives which include one or more school districts which enroll less than one thousand full-time equivalent students, and shall be signed by the superintendent of each cooperative member district.

NEW SECTION

WAC 392-167A-050 Applications for funding—Annual deadline and required contents. School districts and educational service districts shall annually submit applications for fair start program funding to the superintendent of public instruction on or before June 30 preceding the school year for which funding is sought. Applications shall contain the information required by WAC 392-167A-055 and the assurances required by WAC 392-167A-060.

NEW SECTION

WAC 392-167A-055 Applications for funding—Required information. Applications for fair start program funding shall include the following information:

- (1) A comprehensive needs assessment which identifies the early prevention and intervention needs of the district or the districts in the case of cooperative programs;
- (2) The goals of the school district or districts respecting prevention and early intervention services for elementary students;
- (3) The district's or districts' plan, based on the goals, for providing prevention and early intervention services to students;
- (4) Documentation such as meeting minutes that community-based public and/or private human service providers, district-level and building-level staff and administrators, and parents participated in developing the goals and plan;
- (5) Documentation of one or more interagency agreements between school or educational service districts, and one or more public or private community based human service providers, to provide prevention and early intervention services to elementary level students;
- (6) The district's or districts' procedures for notifying parents or guardians regarding the referral of students for prevention and intervention services, and of the duties or responsibilities of school districts, students and parents or guardians relating to the provision of prevention and early intervention services to students off school premises;
- (7) A narrative description of the prevention and early intervention services for which fair start program funding is requested, including related multicultural in-service training as necessary or appropriate or other related in-service training;

- (8) A proposed budget by object and activity for the expenditure of fair start program funds;

(9) A description of the method to be used to annually evaluate the effectiveness of the district's or districts' fair start program; and

(10) The educational service district application shall include a list of the school districts being served by the ESD.

NEW SECTION

WAC 392-167A-060 Applications for funding—Required assurances. Applications for fair start program funding shall include assurances that:

(1) To the greatest extent possible the district or districts delivery of prevention and early intervention services to elementary level students:

- (a) Shall not duplicate any other program;
- (b) Shall be consistent with the applicable children's mental health delivery system developed under chapter 71.36 RCW;
- (c) Shall emphasize the most efficient and cost-effective use of fair start program moneys; and
- (d) Shall be provided on a twelve-month basis.

(2) Priority for fair start program services shall be given to students in the greatest of need pursuant to criteria determining need established by the district or districts;

(3) Health care services funded with fair start program moneys shall be limited to services and information relating to nutrition and poor health;

(4) Fair start program funds shall not be used to supplant other funding used by the district or districts for prevention and early intervention program purposes;

(5) An annual evaluation of the effectiveness of a district's or districts' fair start program will be completed and provided to the superintendent of public instruction on or before October 15; and

(6) An annual end of the year report as provided at WAC 392-167A-085 will be completed and provided to the superintendent of public instruction on or before October 15.

NEW SECTION

WAC 392-167A-065 Applications for funding—Approval or disapproval. Applications for fair start program funding that meet the requirements of this chapter shall be approved by the superintendent of public instruction. All applicants for fair start program funding shall be annually notified of the approval or disapproval of their application.

NEW SECTION

WAC 392-167A-070 Apportionment of state moneys. State moneys for the fair start program shall be apportioned to districts pursuant to chapter 392-122 WAC. The provision of chapter 392-117 WAC, Timely reporting, apply to apportionment of state moneys. Failure to report in the form and by the due dates required in this chapter can result in reduction, delay, or recovery of state moneys.

NEW SECTION

WAC 392-167A-075 Allowable expenditures. Fair start program funding granted to school districts and educational service districts shall be used only for expenditures approved on the program budget document included in the

application. If a school district or educational service district expends fair start program funds for an early prevention and intervention program in a nonallowable category the amount of the nonallowable expenditure will be recovered by the superintendent after the end of the school fiscal year.

NEW SECTION

WAC 392-167A-080 Application revisions. A district requesting approval for change in its fair start program application shall submit a request for revision of the application to the superintendent of public instruction. Application revisions shall not be granted after March 15 of any school year.

NEW SECTION

WAC 392-167A-085 Expenditures and accounting. Allowable expenditures for the early prevention and intervention program shall meet the following requirements:

(1) Expenditures are for services which include but are not limited to services provided by school counselors, school psychologists, school nurses, school social workers, licensed mental health professionals, child psychiatrists, appropriate health care providers, and social service case workers or social workers under contract.

(2) Expenditures for additional staff, to contract for staff and services, or to conduct training related to the district's early prevention and intervention program including multicultural inservice training when appropriate.

(3) Direct expenditures are accounted for as follows:

(a) School district expenditures are accounted for the following program, activity, and object combinations as defined in the *Accounting Manual for Public School Districts* in the state of Washington:

- (i) Program: 58 - Special and pilot programs, state
- (ii) Activity: 21 - Supervision
24 - Guidance and counseling
25 - Psych-speech-hearing psychology, services
26 - Health services
27 - Teaching
- (iii) Object: Any object expenditure with the exception of:
0 - Debit transfer
9 - Capital outlay

(b) Educational service district expenditures are accounted for in the following program, activity, and object for expenditure combinations as defined in the *Accounting Manual for Educational Service Districts* in the state of Washington:

- (i) Program: 40 - Student counseling and testing
- (ii) Activity: 21 - Staff development
98 - General support
- (iii) Any object of expenditure with the exception of:
0 - Debit Transfer
9 - Capital outlay

(4) Indirect expenditures attributable to fair start services may be charged at a maximum rate of five percent for school districts and nine percent for educational service districts. School districts and educational service districts

that charge indirect costs to the fair start program shall maintain records documenting the use of such moneys and report to the superintendent in the required end of year report.

NEW SECTION

WAC 392-167A-090 End of year report. School districts and educational service districts shall submit an end of year report on form SPI 1195E provided by the superintendent of public instruction. Such reports shall include:

- (1) The number of full time equivalent (FTE) certified and classified staff involved in the program;
- (2) Number of students referred to child protective service;
- (3) Number of students referred to office for disruptive behavior;
- (4) Number of students referred to special education for services;
- (5) Number of students suspended from school;
- (6) The actual expenditures (Form SPI 1102E) by object and activity; and
- (7) Other information as required by the superintendent consistent with the responsibilities for administering the fair start program. This report is due to the superintendent no later than October 15 of each year.

not been subsequently revised. Review has indicated that nursery stock is marketed using the national standards of the American Association of Nurserymen and that state standards are no longer used. Department of Agriculture inspectors currently certify compliance with American Association of Nurserymen's standards upon request. Copies of the rules may be requested by calling (206) 902-2061.

March 3, 1993
William E. Brookreson
Assistant Director

WSR 93-07-054
WITHDRAWAL OF PROPOSED RULES
PERSONNEL BOARD
(By the Code Reviser's Office)
[Filed March 16, 1993, 8:15 a.m.]

WAC 356-35-010, proposed by the Personnel Board in WSR 92-18-059, appearing in issue 92-18 of the State Register, which was distributed on September 16, 1992, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 93-07-051
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed March 15, 1993, 1:31 p.m.]

We are withdrawing the proposed section WAC 246-869-245 published as part of WSR 92-18-045. We do not intend to adopt this section.

Donald H. Williams
Executive Director

WSR 93-07-055
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
[Filed March 16, 1993, 1:30 p.m.]

Continuance of WSR 93-01-076.

Title of Rule: Manual on uniform traffic control devices for streets and highways, WAC 468-95-035 - 468-95-037.

Purpose: This continuance is to clarify the requirements that local jurisdictions are subject to, to broaden the guidelines for the placing of the edge line and to add specific standards for placement of raised pavement markings.

Date of Intended Adoption: May 3, 1993.

March 15, 1993
S. A. Moon
Deputy Secretary

WSR 93-07-053
PREPROPOSAL COMMENTS
DEPARTMENT OF AGRICULTURE
[Filed March 15, 1993, 3:03 p.m.]

Subject of Possible Rule Making: Revision or repeal of holly, cut spray standards, chapter 16-415 WAC; and revision or repeal of nursery stock standards, chapter 16-432 WAC.

Persons may Comment on this Subject in the Following Ways: Written comments may be submitted to William E. Brookreson, Assistant Director, Plant Services Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, comments should be received on or before May 9, 1993.

Other Information or Comments by Agency at this Time, if any: State standards for marketing cut holly were adopted in 1937 and have not been subsequently revised. Preliminary review has indicated that the standards are no longer used by the industry and are no longer needed. State standards for nursery stock were adopted in 1979 and have

WSR 93-07-062
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 91-68—Filed March 17, 1993, 1:33 p.m.]

Original Notice.

Title of Rule: Chapter 173-401 WAC, the operating permit regulation.

Purpose: This rule establishes the state's process for issuing operating permits to sources of air pollution as required under the state and federal Clean Air Acts.

Statutory Authority for Adoption: Chapter 70.94 RCW, Clean Air Washington Act.

Statute Being Implemented: Chapter 173-401 WAC, the operating permit regulation.

Summary: Title V of the 1990 federal Clean Air Act amendments requires all states to develop and administer a statewide operating permit program for commercial and industrial sources of air pollution. Clean Air Washington was amended one year later to reflect the federal goals. As a result, all major industrial sources of air pollution will be issued permits within the first three years of the program. Renewable every five years, the permit will house in one document all federal, state, and local air pollution regulations, including any regulatory orders, applicable to an individual source. The operating permit also provides an avenue for applying other provisions contained in the 1990 federal Clean Air Act amendments. The U.S. Environmental Protection Agency is required to regulate approximately 189 new toxic substances under Title III of the amendments. As a result, many smaller commercial sources of air pollution will be brought into the permit program over the next 5 to 10 years.

Reasons Supporting Proposal: The operating permit program is federally mandated as well as required under state law. If a state chooses not [to] assume delegation or cannot meet federal criteria for delegation of the program, EPA is required to issue permits and collect fees from sources in that state. In addition, states run the risk of losing highway grant funds and new and modified industrial facilities could be subject to tougher preconstruction requirements.

Name of Agency Personnel Responsible for Drafting: Alan Butler, 3190 160th Avenue S.E., Bellevue, WA 98008-5452, (206) 649-7103; Implementation and Enforcement: Joseph Williams, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6255.

Name of Proponent: The Washington State Department of Ecology, governmental.

Rule is necessary because of federal law, Title V of the 1990 federal Clean Air Act amendments.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes a renewable permitting program for sources of air emissions as required under both the state and federal Clean Air Acts. In 1991, the Washington Clean Air Act, chapter 70.94 RCW, was amended to reflect changes [to] the federal Clean Air Act. These changes require the state to develop procedures for issuing five-year renewable operating permits; establish applicability criteria; include operational flexibility within the permit; establish a fee structure for supporting the permit program; and create an appropriate division of responsibility between ecology and local air authorities for issuing permits. The permit will list all of the source's federal and state air pollution control requirements in one document. Compliance with these requirements will be enhanced because of increased reporting and recordkeeping obligations regarding performance and technology standards. This rule also establishes procedures for renewing, reopening, and modifying an operating permit. Public participation is included in the permitting process through a newly established permit register as well as through a formal comment and hearing process. An appeals process for challenging permit requirements is included in this rule along with provisions that

address the relationship between new source review and the permitting process.

Proposal does not change existing rules.

Small Business Economic Impact Statement: The Washington Department of Ecology (ecology) is proposing regulations which establish the elements of a statewide operating permit program. These regulations were developed to implement the requirements for the establishment of state air quality permitting systems laid out in the Washington Clean Air Act (chapter 70.94 RCW) and Title V of the Federal Clean Air Act (FCAA) (42 U.S.C. 7401, et seq.). Under state and federal law certain sources of air pollution will be required to obtain operating permits.

Chapter 173-401 WAC establishes the procedures by which sources can obtain operating permits. It does not impose substantive new performance or design standards on businesses. The goal of the proposed rule is to facilitate compliance with air quality statutes by identifying and consolidating the standards and requirements of existing regulations. The rule, in accordance with the FCAA, also requires the assessment and collection of permit fees, through which the financial framework for administering air quality programs will be strengthened. This small business economic impact statement summary addresses the impacts of implementing the permit system. It does not include the impacts of the accompanying fee structure because legislative approval of a revised fee structure is still pending.

Chapter 173-401 WAC applies to firms which emit regulated air pollutants in quantities such that an operating permit is required under the FCAA and to sources which ecology or other permitting authority deem to contribute to air pollution so as to create a threat to public health or welfare. A temporary exemption exists for sources not classified as a major source, affected source, or solid waste incineration unit under the proposed rule.

The proposed regulation delineates conditions for obtaining operating permits, including requirements for providing emissions-related information such as types and amounts of regulated pollutants emitted, descriptions of emission points and rates, description of air pollution control equipment, and a description of the source's compliance status regarding all applicable requirements. Permits will specify all required testing, monitoring and analysis, reporting and recordkeeping, and inspection requirements sufficient to assure compliance and will be issued for a fixed term of five years. The permit system requires public participation during various permitting actions. It also provides sources with the flexibility to make minor operational changes in an expeditious manner. But significant changes to operations, monitoring, reporting, or recordkeeping may require renewed application, public participation, and review.

The Regulatory Fairness Act (RFA) (chapter 19.85 RCW) requires that rules promulgated under the Administrative Procedure Act be reviewed in light of their economic impact on small businesses in the state. One goal of this review is to ensure that a proposed rule does not place a proportionally higher burden on small businesses. The RFA requires that a small business economic impact statement (SBEIS) be performed if a rule affects more than 20 percent of all industries (as identified by three-digit standard industrial classification code) in the state or more than 10 percent of the businesses in any one industry.

Chapter 173-401 WAC has been reviewed and is expected to affect more than 10 percent of the businesses in several three-digit SIC code industries. The table at the end of this summary shows the industries likely to be affected in the initial stage of the permitting process. Businesses which are smaller sources of regulated air pollutants in up to eighty other industries may be affected by this rule at the end of a three year exemption period. The nature of the impact on smaller sources will depend to a substantial degree on federal and state rulemaking.

An ecology survey of businesses indicates that estimated costs of applying for a permit and performing required monitoring, reporting and recordkeeping will, on a cost per employee basis, impact small businesses proportionately more than large businesses. The average cost per employee is estimated to be \$399 for large firms and \$808 for small firms. However, several factors tend to minimize the potential economic impacts of these costs and their relative impacts on small versus large firms. First, although the cost per employee is higher for small firms, the cost in absolute terms is lower for small firms than for large firms. Survey results show the average cost per facility of completing the permit application procedure will be \$107,000 for large firms and \$21,000 for small firms. Also, a regulatory impact analysis for operating permits regulations conducted by the U.S. Environmental Protection Agency estimated permit processing costs for large sources to be \$54,945, and those for small sources to be \$30,150. Second, the rule stipulates that the level of detail to be contained in permit applications is to be correlated with the size of the facility. If large, complex facilities tend to be owned by large businesses, the costs of permit application and monitoring will be higher for large businesses. Third, a general permitting process for some source types will streamline the application process and result in lower application costs. General permits may be issued to similar sources. These sources tend to be smaller both in market share and in firm size. Thus, small firms in industries characterized by many, similar companies are more likely to qualify for general permits and are more likely to benefit from this process. Fourth, the proposed regulation allows ecology and local air authority staff to provide technical assistance to small facilities for the permitting process. The availability of technical assistance will reduce compliance costs for small businesses and reduce disproportionate impacts associated with application, recordkeeping and reporting, and professional services. Finally, sources having to undergo new source review may achieve administrative efficiencies by combining this process with the operating permit procedures.

Affected Industries by Three-Digit SIC Code

SIC	INDUSTRY
122	Bituminous Coal and Lignite Mining
162	Heavy Construction, except Highway
203	Canned, Frozen, Preserved Food
242	Sawmills and Planing Mills
243	Millwork, Veneer, and Structural Wood
249	Misc. Wood Products
261	Pulp Mills
262	Paper Mills
267	Converted Paper, and Paperboard

281	Industrial Inorganic Chemicals
286	Industrial Organic Chemicals
287	Agricultural Chemicals
291	Petroleum Refining
308	Miscellaneous Plastic Products, NEC
322	Glass and Glassware, Pressed or Blown
324	Cement, Hydraulic
325	Structural Clay Products
331	Steel Works, Blast Furnaces, etc.
333	Primary Smelting, etc. Nonferrous
341	Metal Cans, Shipping Containers
371	Motor Vehicles & Motor Veh. Equipment
372	Aircraft and Planes
373	Ship and Boat Building and Repair
491	Electric Services
492	Gas Production and Distribution
496	Steam and Air Conditioning Supply
511	Paper and Paper Products
517	Petroleum and Petroleum Products
554	Gasoline Service Stations

Copies of the full SBEIS are available from: Judy Lundgren, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600.

Workshops will be held from 3 p.m. to 5 p.m. on the following days and at the following locations: Tuesday, April 20, in Seattle, Ecology's N.W. Regional Office, 3190 160th S.E. Boulevard, Conference Room A, (206) 649-7000; on Wednesday, April 21, in Vancouver, Fire District 5, Station #8, 17408 S.E. 15th, (206) 892-4323; on Thursday, April 22, in Spokane, City Council Chambers, West 808 Spokane Falls Boulevard, (509) 625-6255; on Tuesday, April 27, in Bellingham, Bellingham Public Library, 210 Central Avenue, Lecture Room, (206) 676-6860; on Wednesday, April 28, in Yakima, Ecology's Central Regional Office, 3601 West Washington, River Room, (509) 575-2800; and on Thursday, April 29, in Pasco, Franklin County PUD Building, 1411 West Clark, Auditorium, (509) 547-5591.

Hearings will begin at 7 p.m. on the followings days and at the following locations: Tuesday, April 27, in Bellingham, Bellingham Public Library, 210 Central Avenue, Lecture Room, (206) 676-6860; on Wednesday, April 28, in Yakima, Ecology's Central Regional Office, 3601 West Washington, River Room, (509) 575-2800; Thursday, April 29, in Pasco, Franklin County PUD Building, 1411 West Clark, Auditorium, (509) 547-5591; Tuesday, May 4, in Vancouver, Fire District 5, Station #8, 17408 S.E. 15th, (206) 892-4323, and in Seattle, Ecology's N.W. Regional Office, 3190 160th S.E. Boulevard, Conference Room A, (206) 649-7000; and on Wednesday, May 5, in Spokane, City Council Chambers, West 808 Spokane Falls Boulevard, (509) 625-6255.

Submit Written Comments to: David Bradley, Department of Ecology, Air Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, by May 24, 1993.

Date of Intended Adoption: July 30, 1993.

March 11, 1993
 Mary Riveland
 Director

**Chapter 173-401 WAC
OPERATING PERMIT REGULATION—CONTENT**

**PART I
OVERVIEW**

NEW SECTION

WAC 173-401-100 Program overview. (1) The provisions in this chapter provide for the establishment of a comprehensive Washington state air operating permit program consistent with the requirements of title V of the Federal Clean Air Act (FCAA) (42 U.S.C. 7401, et seq.).

(2) All sources subject to this regulation shall have a permit to operate that assures compliance by the source with all applicable requirements. While chapter 173-401 WAC does not impose substantive new requirements, it does require that fees be imposed on sources and that certain procedural measures be adopted especially with respect to compliance.

(3) The requirements of this chapter, including provisions regarding schedules for submission and approval or disapproval of permit applications, shall apply to the permitting of affected sources under the acid rain program, except as provided herein or modified in regulations promulgated under title IV of the FCAA (acid rain program).

(4) Issuance of permits under this chapter may be coordinated with issuance of permits under the Resource Conservation and Recovery Act and under the Clean Water Act, whether issued by the state, the United States Environmental Protection Agency (EPA), or the United States Army Corps of Engineers.

**PART II
DEFINITIONS**

NEW SECTION

WAC 173-401-200 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated by reference, unless otherwise defined here. Unless a different meaning is clearly required by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Administrator" shall refer to the EPA Administrator unless specifically defined otherwise.

(2) "Affected source" means a source that includes one or more affected units.

(3) "Affected states" are the states, Tribal Nations, or British Columbia:

(a) Whose air quality may be affected when a chapter 401 permit, permit modification, or permit renewal is being proposed; or

(b) That are within 100 kilometers of the permitted source.

(4) "Affected unit" means a fossil-fuel fired combustion device or a source that opts-in under 40 CFR part 74, that is subject to any emission reduction requirement or limitation under the Acid Rain Program.

(5) "Applicable requirement" means all of the following as they apply to emissions units in a chapter 401 source (including requirements that have been promulgated or approved by EPA, ecology or local authority through rule

making at the time of permit issuance but have future-effective compliance dates):

(a) The applicable provisions of the Federal Clean Air Act (FCAA), including:

(i) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rule making under title I of the FCAA (Air Pollution Prevention and Control) that implements the relevant requirements of the FCAA, including any revisions to that plan promulgated in 40 CFR 52;

(ii) Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rule making under title I, including parts C (Prevention of Significant Deterioration) or D (Plan Requirements for Nonattainment Areas), of the FCAA;

(iii) Any standard or other requirement under section 111 (New Source Performance Standards) of the FCAA, including section 111(d);

(iv) Any standard or other requirement under section 112 (Hazardous Air Pollutants) of the FCAA, including any requirement concerning accident prevention under section 112 (r)(7) of the FCAA;

(v) Any standard or other requirement of the acid rain program under title IV of the FCAA (Acid Deposition Control) or the regulations promulgated thereunder;

(vi) Any requirements established pursuant to section 504(b) or section 114 (a)(3) of the FCAA;

(vii) Any standard or other requirement governing solid waste incineration, under section 129 of the FCAA;

(viii) Any standard or other requirement for consumer and commercial products, under section 183(e) of the FCAA;

(ix) Any standard or other requirement for tank vessels, under section 183(f) of the FCAA;

(x) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under section 328 of the FCAA;

(xi) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under title VI of the FCAA, unless the Administrator has determined that such requirements need not be contained in a title V permit; and

(xii) Any national ambient air quality standard or increment or visibility requirement under part C of title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to section 504(e) of the FCAA.

(b) Chapter 70.94 RCW and rules adopted thereunder. This includes requirements in regulatory orders issued by the permitting authority.

(c) In permits issued by local air pollution control authorities, the requirements of any order or regulation adopted by the authority.

(d) Chapter 70.98 RCW and rules adopted thereunder.

(e) Chapter 80.50 RCW and rules adopted thereunder.

(6) "Chapter 401 permit" or "permit" (unless the context suggests otherwise) means any permit or group of permits covering a chapter 401 source that is issued, renewed, amended, or revised pursuant to this chapter.

(7) "Chapter 401 source" means any source subject to the permitting requirements of this chapter.

(8) "Delegated authority" means an air pollution control authority that has been delegated the permit program pursuant to RCW 70.94.161 (3)(b).

(9) "Designated representative" shall have the meaning given to it in section 402(26) of the FCAA and the regulations promulgated thereunder and in effect on (date of adoption).

(10) "Draft permit" means the version of a permit for which the permitting authority offers public participation or affected state review.

(11) "Emissions allowable under the permit" means an enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or an enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.

(12) "Emissions unit" means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under section 112(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of title IV of the FCAA.

(13) The "EPA" or the "Administrator" means the Administrator of the U.S. Environmental Protection Agency or her/his designee.

(14) "Final permit" means the version of a chapter 401 permit issued by the permitting authority that has completed all review procedures required by this chapter and 40 CFR §§70.7 and 70.8.

(15) "General permit" means a permit which covers multiple facilities of a source category in lieu of individual permits being issued to each facility.

(16) "Insignificant emissions unit" means any activity or emissions unit located within a chapter 401 source that:

(a) Would not adversely impact air quality; or

(b) Would not be subject to registration pursuant to RCW 70.94.151, new source review under RCW 70.94.152 if the unit were being initially constructed or modified, or other requirements established under the FCAA or chapter 70.94 RCW.

(17) "Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(a) A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, twenty-five tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated

equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

(b) A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of section 302(j) of the FCAA, unless the source belongs to one of the following categories of stationary source:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil-fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; or

(xxvii) All other stationary source categories regulated by a standard promulgated under section 111 or 112 of the FCAA, but only with respect to those air pollutants that have been regulated for that category;

(c) A major stationary source as defined in part D of title I of the FCAA, including:

(i) For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides

shall not apply with respect to any source for which the Administrator has made a finding, under section 182 (f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

(18) "Permit modification" means a revision to a chapter 401 permit that meets the requirements of this chapter.

(19) "Permit program costs" means all reasonable (direct and indirect) costs required to develop and administer a permit program (whether such costs are incurred by the permitting authority or other state or local agencies that do not issue permits directly, but that support permit issuance or administration).

(20) "Permit revision" means any permit modification or administrative permit amendment.

(21) "Permitting authority" means the department of ecology, local air authority, or other agency authorized under RCW 70.94.161 (3)(b) and approved by EPA to carry out a permit program under this chapter.

(22) "Potential to emit" means the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a source to emit an air pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitation is enforceable by the Administrator. This term does not alter or affect the use of this term for any other purposes under the FCAA, or the term "capacity factor" as used in title IV of the FCAA or the regulations promulgated thereunder.

(23) "Proposed permit" means the version of a permit that the permitting authority proposes to issue and forwards to the Administrator for review in compliance with 40 CFR 70.8.

(24) "Regulated air pollutant" means the following:

(a) Nitrogen oxides or any volatile organic compounds;

(b) Any pollutant for which a national ambient air quality standard has been promulgated;

(c) Any pollutant that is subject to any standard promulgated under section 111 of the FCAA;

(d) Any Class I or II substance subject to a standard promulgated under or established by title VI of the FCAA; or

(e) Any pollutant subject to a standard promulgated under section 112 or other requirements established under section 112 of the FCAA, including sections 112 (g), (j), and (r), including the following:

(i) Any pollutant subject to requirements under section 112(j) of the FCAA. If the Administrator fails to promulgate a standard by the date established pursuant to section 112(e) of the FCAA, any pollutant for which a subject

source would be major shall be considered to be regulated on the date eighteen months after the applicable date established pursuant to section 112(e) of the FCAA; and

(ii) Any pollutant for which the requirements of section 112 (g)(2) of the FCAA have been met, but only with respect to the individual source subject to section 112 (g)(2) requirement; and

(iii) Any air pollutant subject to requirements under RCW 70.94.331, 70.94.380, and 70.94.395.

(25) "Regulated pollutant (for presumptive fee calculation)," which is used only for purposes of WAC 173-401-900, means any "regulated air pollutant" except the following:

(a) Carbon monoxide;

(b) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance subject to a standard promulgated under or established by title VI of the FCAA; or

(c) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under section 112(r) of the FCAA.

(26) "Renewal" means the process by which a permit is reissued at the end of its term.

(27) "Responsible official" means one of the following:

(a) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than two hundred fifty persons or have gross annual sales or expenditures exceeding twenty-five million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representative is approved in advance by the permitting authority;

(b) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;

(c) For a municipality, state, federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA); or

(d) For affected sources:

(i) The designated representative in so far as actions, standards, requirements, or prohibitions under title IV of the FCAA or the regulations promulgated thereunder and in effect on (date of adoption) are concerned; and

(ii) The designated representative for any other purposes under 40 CFR part 70.

(28) "Section 502 (b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

(29) "Small business stationary source" means a stationary source that:

- (a) Is owned or operated by a person that employs one hundred or fewer individuals;
- (b) Is a small business concern as defined in the Federal Small Business Act;
- (c) Is not a major source;
- (d) Does not emit fifty tons or more per year of any regulated pollutant; and
- (e) Emits less than seventy-five tons per year of all regulated pollutants.

(30) "Solid waste incineration unit" (as defined in §129 (g)(1) of the FCAA) means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The term "solid waste incineration unit" does not include:

- (a) Materials recovery facilities (including primary or secondary smelters) which combust waste for the primary purpose of recovering metals;
- (b) Qualifying small power production facilities, as defined in section (3)(17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)) or qualifying cogeneration facilities as defined in section (3)(18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)), which burn homogeneous waste (such as units which burn tires or used oil, but not including refuse-derived fuel) for the production of electric energy or in the case of qualifying cogeneration facilities which burn homogeneous waste for the production of electric energy and steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes; or
- (c) Air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes, and clean lumber and that such air curtain incinerators comply with opacity limitations to be established by the Administrator by rule.

(31) "State" means any nonfederal permitting authority, including any local agency, interstate association, or state-wide program.

PART III APPLICABILITY

NEW SECTION

WAC 173-401-300 Applicability. (1) Chapter 401 sources. The provisions of this chapter apply in all areas of the state of Washington to the following sources:

- (a) Any source required by the FCAA to have an operating permit. These include the following sources:
 - (i) Any major source as defined in WAC 173-401-200(17).
 - (ii) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 (Standards of Performance for New Stationary Sources) of the FCAA.
 - (iii) Any source, including an area source, subject to a standard or other requirement under section 112 of the FCAA, except that a source is not required to obtain a permit solely because it is subject to regulations or require-

ments under section 112(r) (Prevention of Accidental Releases) of the FCAA.

- (iv) Any solid waste incineration units required to obtain permits under section 129 of the FCAA.
- (v) Any "affected source" regulated under title IV (Acid Deposition Control) of the FCAA.
- (vi) Any source in a source category designated by the EPA pursuant to 40 CFR Part 70, as amended through (date of adoption).

(b) Any source that the permitting authority determines may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare under RCW 70.94.161(5) using the procedures in subsection (5) of this section.

- (c) Any other source which applies for a permit.
- (2) Source category exemptions.

(a) All sources listed in subsection (1)(a) of this section that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the FCAA, are exempted from the obligation to obtain a chapter 401 permit provided that they submit a complete permit application no later than thirty months after the effective date of the permit program. This exemption shall remain in effect until such time that:

- (i) Ecology completes a rulemaking to determine whether nonmajor sources should be required to obtain permits. During this rulemaking, ecology will consider the compliance information contained in individual permit applications when evaluating the regulatory effectiveness and administrative feasibility of issuing operating permits to nonmajor sources relative to other regulatory options. This rulemaking must be completed no later than three years after the effective date of the permit program; or
- (ii) The Administrator completes a rulemaking to determine how the program should be structured for nonmajor sources and determines that such sources must obtain operating permits.

(b) Subsection (2)(a) of this section shall not apply to nonmajor sources subject to a standard or other requirement established under either section 111 or section 112 of the FCAA after July 21, 1992, if, during those rulemakings, the Administrator determines that such sources must obtain a permit at an earlier date.

(c) Any source listed in (a) of this subsection exempt from the requirement to obtain a permit under this section may opt to apply for a permit under this chapter.

(d) The following source categories are exempt from the obligation to obtain permit:

- (i) All sources and source categories that would be required to obtain a permit solely because they are subject to part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and
- (ii) All sources and source categories that would be required to obtain a permit solely because they are subject to part 61, Subpart M - National Emission Standard for Hazardous Air Pollutants for Asbestos, section 61.145, Standard for Demolition and Renovation.

(3) Emissions units and chapter 401 sources.

The permitting authority shall include in the permit all applicable requirements for all relevant emissions units in the source.

(4) Fugitive emissions. Fugitive emissions from a chapter 401 source shall be included in the permit application and the permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

(5) Process for threat to public health or welfare. The following process shall be used to identify sources that are covered pursuant to subsection (1)(b) of this section:

(a) The source has been found to cause or contribute to a violation of any ambient air quality standard as demonstrated by a dispersion modeling analysis performed in accordance with EPA's dispersion modeling guidelines; or

(b) The source has been found to cause or contribute to a significant ambient level of any class A or class B toxic air pollutant contained in chapter 173-460 WAC as demonstrated by a dispersion modeling analysis done in accordance with EPA's dispersion modeling guidelines.

(c) Small business stationary sources not otherwise applicable under (a) and (b) of this subsection are exempt except when all of the following requirements are satisfied:

(i) The source is in an area that currently exceeds or has been projected by ecology to exceed within five years any federal or state air quality standard.

(ii) Ecology provides justification that requiring a source to have a permit is necessary to meet or to prevent exceeding a federal or state air quality standard.

(iii) Ecology holds a public hearing or hearings.

(6) Permitting authorities shall develop and maintain a list of names of chapter 401 sources within their jurisdictions. This list shall be made available to the public. A chapter 401 source inadvertently omitted from this list is not exempted from the requirement to obtain a permit under this chapter.

(7) Federally enforceable limits. Permitting authorities may exempt a source listed in subsection (1)(a) of this section from the requirement to obtain an operating permit by establishing federally enforceable limitations which limit that source's potential to emit to levels that are below those that would obligate the source to obtain an operating permit.

(a) In applying for an exemption under this subsection, the owner or operator of the source shall certify to the permitting authority that pollutant emissions from the source are of quantities less than those that would obligate the source to obtain an operating permit. Such certification shall be in accordance with WAC 173-401-520 and shall contain emissions measurement and monitoring data, location of monitoring records, and other information necessary to demonstrate to the permitting authority that the source's actual emissions are less than the levels used to designate a source as a major source under subsection (1)(a) of this section.

(b) Permitting authorities may use the following approaches to establish federally enforceable limitations:

(i) General. The permitting authority may exempt the source from the requirement to obtain an operating permit after determining that the source is operating in compliance with WAC 173-401-705(1);

(ii) Regulatory orders. The permitting authority may establish source-specific limitations in a regulatory order. Those requirements become federally enforceable when the

order is incorporated into the state implementation plan (SIP) and approved by EPA as a SIP revision;

(iii) Notice of construction approvals. The permitting authority may establish source-specific limitations in a notice of construction approval issued pursuant to RCW 70.94.152 or 70.94.153; or

(iv) General permits. The permitting authority may establish source-category requirements which limit a source's potential to emit through a general permit issued pursuant to RCW 70.94.161(12). Those requirements become federally enforceable when the general permit is approved by EPA.

(c) Sources receiving a federally enforceable limit on potential to emit shall annually certify that their actual emissions are less than those that would require the source to obtain an operating permit. Such certifications shall contain the information specified in (a) of this subsection.

(d) The decision of the permitting authority to allow the source to operate without an operating permit by limiting emissions shall be published in the permit register pursuant to WAC 173-401-805 (2)(i).

PART IV PROGRAM SUBMITTALS AND TRANSITION

NEW SECTION

WAC 173-401-400 Program submittals and transition. (1) General. Ecology is authorized to accept delegation of programs as provided for in the Federal Clean Air Act. Subject to federal approval, ecology may, in turn, delegate such programs to the local authority with jurisdiction in a given area. This section describes the procedures for delegating the operating permit program to a local authority.

(2) Application. The board of any local air pollution control authority may apply to ecology for a delegation order authorizing that authority to administer the operating permit program for sources under that authority's jurisdiction pursuant to RCW 70.94.161 (3)(b). To the maximum extent practicable, such requests shall be submitted by September 1, 1993, in order to coordinate with the federal program submittal.

(3) Delegation orders. Ecology will, by order, approve such delegation if ecology finds that the authority has the technical and financial resources needed to discharge the responsibilities of a permitting authority under the FCAA. Such approval will be to the same degree and equivalent to the level of delegation approved by the EPA.

(4) Required information. A delegation request from the authority shall include the information specified in 40 CFR 70.4. In addition, the request shall include a description of how the authority will meet the requirement that every proposed permit be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority pursuant to RCW 70.94.161 (3)(a).

(5) Effective date. Any delegation order issued under this section shall take effect ninety days after the EPA authorizes the local authority to issue operating permits under the FCAA.

(6) Public notice. Ecology shall publish in the *State Register* notice of all requests for program delegation and

substantial program revision. The notice shall summarize the request and provide at least a thirty-day public comment period. EPA review of these requests may occur concurrently with the state process. Notice of approval of program delegation and substantial program revision requests shall be published in the *State Register*. Notice of approval of unsubstantial program revisions may be given by a letter from ecology to the authority.

(7) Performance review. Performance reviews assess both the qualitative and quantitative performance of delegated operating permit programs. The review shall be based on criteria developed by ecology and will occur at the end of the fiscal year and be completed before the start of the calendar year. Ecology will conduct the review of delegated programs. A committee comprised of representatives from a delegated authority, contractor, and EPA will conduct the review of ecology. All delegated programs shall be reviewed in the following manner:

(a) Annual routine performance review. The annual review will include an evaluation of overall program administration including permit issuance, inspection, public involvement, and enforcement actions. A finding of inadequate administration may trigger a more extensive audit.

(b) Extensive performance review. Every five years all delegated programs shall be extensively evaluated to assess overall performance. The extensive audit will replace the routine audit.

(c) Fiscal audit. A fiscal audit will be combined with the annual review performed by the state auditor's office.

**PART V
PERMIT APPLICATIONS**

NEW SECTION

WAC 173-401-500 Permit applications. (1) Source identification. Within ninety days after the date that a permitting authority submits for EPA approval a permit program or partial permit program, the permitting authority shall notify each potential chapter 401 source within its jurisdiction that the source may be required to obtain a permit. Failure of the permitting authority to notify a source shall not relieve that source from the obligation to file a timely and complete application.

(2) Application distribution. No later than thirty days after EPA grants final or interim, full or partial, approval to the state program, the responsible permitting authority shall send an application to each potential chapter 401 source within its jurisdiction, and a notice stating a deadline by which an application must be filed. Unless otherwise specified in the permit, the permitting authority will send a permit renewal application to each source no less than twenty months from the date of expiration of the source's permit. Failure of the permitting authority to distribute permit or renewal applications to an individual source shall not relieve that source from the obligation to file a timely and complete application.

(3) Duty to apply.

(a) For each chapter 401 source, the owner or operator shall submit a timely and complete permit application in accordance with this section. Whenever practicable, the applicant shall utilize methods provided by the permitting

authority for electronic transmission of the completed application.

(i) Existing chapter 401 sources. Chapter 401 sources in existence on the date of EPA approval of the state permit program shall submit permit applications no later than one hundred eighty days after EPA approval of the state permitting program pursuant to RCW 70.94.161(7).

(ii) Existing sources becoming chapter 401 sources due to future regulations. A timely application for a source applying for a chapter 401 permit for the first time is one that is submitted within twelve months after the source becomes subject to the permit program.

(iii) New sources. Chapter 401 sources which commence operation after EPA approval of the state operating program shall file a complete application to obtain the chapter 401 permit or permit revision within twelve months after commencing operation. Where an existing permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation. The applicant may elect to integrate procedures for new source review and operating permit issuance as described in subsection (8) of this section.

(iv) Permit renewal. For purposes of permit renewal, a timely application is one that is submitted at least six months prior to the date of permit expiration or such other longer time specified in the permit that ensures that the term of the permit will not expire before the permit is renewed. In no event shall this time be greater than eighteen months.

(v) Applications for initial phase II acid rain permits shall be submitted to the permitting authority by January 1, 1996, for sulfur dioxide, and by January 1, 1998, for nitrogen oxides.

(b) Complete application. To be deemed complete, an application must provide all information required pursuant to WAC 173-401-510, except that applications for permit revision need supply such information only if it is related to the proposed change. Information submitted under WAC 173-401-510 must be sufficient to evaluate the subject source and its application and to determine all applicable requirements. A responsible official shall certify the submitted information consistent with WAC 173-401-520. Unless the permitting authority determines that an application is not complete within sixty days of receipt of the application, such application shall be deemed to be complete, except as otherwise provided in WAC 173-401-700(3). Any notification of incompleteness shall specify the information needed to make the application complete and prescribe a reasonable time frame for response from the applicant. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within sixty days of receipt of the supplemental information, the application shall be deemed complete. If, while processing an application that has been determined or deemed to be complete, the permitting authority determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response. The source's ability to operate without a permit, as set forth in WAC 173-401-705(2), shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any

requested additional information by the deadline specified by the permitting authority.

(c) Confidential information. In the case where a source has submitted information to the permitting authority under a claim of confidentiality, the permitting authority may also require the source to submit a copy of such information directly to the Administrator.

(4) Duty to supplement or correct application. Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to release of a draft permit.

(5) Completeness criteria. An application is complete when the permitting authority determines it contains the following information:

(a) A completed version of the standard application form or forms described in WAC 173-401-510, including the required information for each emission unit (other than insignificant emission units) at the facility, along with any necessary supporting data and calculations;

(b) A compliance plan that meets the criteria of WAC 173-401-630; and

(c) Certification by a responsible official of the chapter 401 source of the truth, accuracy, and completeness of the application, as provided in WAC 173-401-520.

(6) EPA notification. The permitting authority shall provide EPA with a copy of all permit applications for chapter 401 sources unless EPA waives or modifies this requirement.

(7) Public notice. Ecology shall publish a notice of all applications received under this section in the permit register. Ecology shall also publish decisions on application incompleteness in the register.

(8) Operating permits for new sources. At the time of filing a notice of construction application under RCW 70.94.152 for the construction of a new source or modification of an existing source, the owner or operator may elect in writing to integrate new source review and operating permit issuance. Procedures for integration of these two processes are as follows:

(a) Modification of existing source. The owner or operator of an existing permitted source applying to modify the source within the meaning of RCW 70.94.161 (1)(g) may select integrated review by so indicating on its notice of construction application. The permitting authority shall process the notice of construction application in accordance with the procedures set forth in WAC 173-401-700. The deadlines contained in these sections shall supersede the deadlines set forth in RCW 70.94.152(7). A proposed order of approval for the modification shall be provided to EPA for review as provided in WAC 173-401-810, along with a proposed administrative permit amendment to the source's operating permit. The administrative permit amendment shall incorporate into the operating permit the requirements contained in the order of approval. The order of approval shall include compliance requirements for the new or modified emissions units substantially equivalent to those contained in WAC 173-401-600 through 173-401-650. The

permitting authority shall issue the final permit amendment and order of approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

(b) Construction of new source. Any person who proposes to construct a new source, within the meaning of RCW 70.94.161 (1)(e), may select integrated review by concurrently filing with the permitting authority a notice of construction application and an operating permit application. The permitting authority shall process both applications in accordance with the procedures set forth in WAC 173-401-700. The deadlines contained in these sections shall supersede the deadlines set forth in RCW 70.94.152(7). The permitting authority shall process the two applications in parallel, and consolidate all required public hearings, comment periods, and EPA review periods. A proposed order of approval for the new source shall be provided to EPA for review as provided in WAC 173-401-810, along with the proposed operating permit. The permitting authority shall issue the final operating permit and order of approval promptly upon conclusion of the EPA review period, unless EPA files a timely objection as provided in 40 CFR 70.8.

NEW SECTION

WAC 173-401-510 Permit application form. (1) Standard application form and required information. Ecology shall develop a standard application form or forms to be used by each permitting authority. Information as described below for each emissions unit at a chapter 401 source shall be included in the application. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required under the permitting authority's fee schedule.

(2) Required data elements for individual permit applications. The application forms developed under subsection (1) of this section shall contain the data elements specified below:

(a) Identifying information, including company name and address (or plant name and address if different from the company name), owner's name and agent, and telephone number and names of plant site manager/contact.

(b) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with each alternate scenario identified by the source.

(c) The following emissions-related information:

(i) All emissions of pollutants for which the source is major, and all emissions of regulated air pollutants. A permit application shall describe all emissions of regulated air pollutants emitted from any emissions unit, except where such units are exempted under this subsection and listed as insignificant emissions units. The permitting authority shall require additional information related to the emissions of air pollutants sufficient to verify which requirements are applicable to the source, and other information necessary to collect any permit fees owed under the permitting authority's fee schedule;

(ii) Identification and description of all points of emissions described in (c)(i) of this subsection in sufficient detail to establish the basis for fees and applicability of applicable requirements;

(iii) Emissions rates in tons per year (tpy) and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method;

(iv) The following information to the extent it is needed to determine or regulate emissions: Fuels, fuel use, raw materials, production rates, and operating schedules;

(v) Identification and description of air pollution control equipment and compliance monitoring devices or activities;

(vi) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the chapter 401 source;

(vii) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to section 123 of the FCAA); and

(viii) Calculations on which the information in (c)(i) through (vii) of this subsection are based.

(d) The following air pollution control requirements:

(i) Citation and description of all applicable requirements; and

(ii) Description of or reference to any applicable test method for determining compliance with each applicable requirement.

(e) Other specific information that may be necessary to implement and enforce other applicable requirements or this chapter or to determine the applicability of such requirements.

(f) An explanation of any proposed exemptions from otherwise applicable requirements.

(g) Additional information as determined to be necessary by the permitting authority to define alternative operating scenarios identified by the source pursuant to WAC 173-401-650 or to define permit terms and conditions implementing WAC 173-401-600 through 173-401-650.

(h) A compliance plan for all chapter 401 sources that contains all the following:

(i) A description of the compliance status of the source with respect to all applicable requirements;

(ii) A description as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis; and

(C) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements;

(iii) A compliance schedule as follows:

(A) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements;

(B) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis. This shall include a detailed schedule of compliance (including mile-

stones) unless the permitting authority determines that such a schedule is not necessary to satisfy this provision;

(C) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. Such a schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based;

(iv) A schedule for submission of certified progress reports every six months for sources required to have a schedule of compliance to remedy a violation.

(v) The compliance plan content requirements specified in this paragraph shall apply and be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations promulgated under title IV of the FCAA with regard to the schedule and method(s) the source will use to achieve compliance with the acid rain emissions limitations.

(i) Requirements for compliance certification, including the following:

(i) A certification of compliance with all applicable requirements by a responsible official consistent with WAC 173-401-520 and section 114 (a)(3) of the FCAA;

(ii) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping, and reporting requirements and test methods;

(iii) A schedule for submission of compliance certifications during the permit term, to be submitted annually, or more frequently if specified by the underlying applicable requirement; and

(iv) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the FCAA.

(j) The use of nationally-standardized forms for acid rain portions of permit applications and compliance plans, as required by regulations promulgated under title IV of the FCAA and in effect on (date of adoption).

NEW SECTION

WAC 173-401-520 Certification. Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this chapter shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

PART VI PERMIT CONTENT

NEW SECTION

WAC 173-401-600 Permit content. Every requirement in an operating permit shall be based upon the most stringent of the following requirements:

- (1) The FCAA and rules implementing that act, including provisions of the approved state implementation plan;
- (2) Chapter 70.94 RCW and rules implementing that chapter. This includes requirements in regulatory orders issued by the permitting authority;
- (3) In permits issued by a local air pollution control authority, the requirements of any order or regulation adopted by that authority;
- (4) Chapter 70.98 RCW and rules adopted thereunder; and
- (5) Chapter 80.50 RCW and rules adopted thereunder.

NEW SECTION

WAC 173-401-605 Emission standards and limitations. (1) General. Each permit shall contain emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

(2) Legal authority. The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

(3) Acid rain. The permit shall state that, where an applicable requirement of the FCAA is more stringent than an applicable requirement of regulations promulgated under title IV of the FCAA, both provisions shall be incorporated into the permit and shall be enforceable by the Administrator.

(4) Alternative emission limits. If the Washington state implementation plan allows a determination of an alternative emission limit at a chapter 401 source, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, the permitting authority may elect to use such process. Any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.

NEW SECTION

WAC 173-401-610 Permit duration. The permitting authority shall issue permits for a fixed term of five years.

NEW SECTION

WAC 173-401-615 Monitoring and related recordkeeping and reporting requirements. (1) Monitoring. Each permit shall contain the following requirements with respect to monitoring:

(a) All emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to sections 504(b) or 114 (a)(3) of the FCAA;

(b) Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve

as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit, as reported pursuant to subsection (3) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph; and

(c) As necessary, requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

(2) Recordkeeping. With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements and require, where applicable, the following:

(a) Records of required monitoring information that include the following:

(i) The date, place as defined in the permit, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and

(vi) The operating conditions existing at the time of sampling or measurement;

(b) A record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(c) Retention of records of all required monitoring data and support information for a period of at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(3) Reporting. With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:

(a) Submittal of reports of any required monitoring at least once every six months. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with WAC 173-401-520.

(b) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. For deviations which represent a potential threat to human health or safety, "prompt" means as soon as possible. Other deviations shall be reported as part of the routine reporting requirements under (a) of this subsection or applicable requirements.

NEW SECTION

WAC 173-401-620 Standard terms and conditions.

(1) Acid rain. Each permit for an affected source shall contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under title IV of the FCAA or the regulations promulgated thereunder.

(a) No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid rain program, provided that such increases do not require a permit revision under any other applicable requirement.

(b) No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

(c) Any such allowance shall be accounted for according to the procedures established in regulations promulgated under title IV of the FCAA and in effect on (date of adoption).

(2) Standard provisions. Each permit shall include the following standard provisions:

(a) Duty to comply. The permittee must comply with all conditions of this chapter 401 permit. Any permit noncompliance constitutes a violation of chapter 70.94 RCW and, for federally enforceable provisions, a violation of the FCAA. Such violations are grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

(b) Need to halt or reduce activity not a defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(c) Permit actions. This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(d) Property rights. This permit does not convey any property rights of any sort, or any exclusive privilege.

(e) Duty to provide information. The permittee shall furnish to the permitting authority, within a reasonable time, any information that the permitting authority may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the permitting authority copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. Permitting authorities shall maintain confidentiality of such information in accordance with RCW 70.94.205.

(f) Permit fees. The permittee shall pay fees as a condition of this permit in accordance with the permitting authority's fee schedule. Failure to pay fees in a timely fashion shall subject the permittee to civil and criminal penalties as prescribed in chapter 70.94 RCW.

(g) Emissions trading. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in this permit.

(h) Severability. If any provision of this permit is held to be invalid, all unaffected provisions of the permit shall remain in effect and be enforceable.

(i) Permit appeals. This permit or any conditions in it may be appealed only by filing an appeal with the pollution

control hearings board and serving it on the permitting authority within thirty days of receipt pursuant to RCW 43.21B.310. This provision for appeal in this section is separate from and additional to any federal rights to petition and review under § 505(b) of the FCAA.

(j) Permit continuation. This permit and all terms and conditions contained therein shall not expire until the renewal permit has been issued or denied if a timely and complete application has been submitted. An application shield granted pursuant to WAC 173-401-705(2) shall remain in effect until the renewal permit has been issued or denied if a timely and complete application has been submitted.

NEW SECTION

WAC 173-401-625 Federally enforceable requirements. (1) Federal enforceability. All terms and conditions in a chapter 401 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the FCAA.

(2) Exceptions. Notwithstanding subsection (1) of this section, the permitting authority shall specifically designate as not being federally enforceable under the FCAA any terms and conditions included in the permit that are not required under the FCAA or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of WAC 173-401-810.

NEW SECTION

WAC 173-401-630 Compliance requirements. (1) General. Consistent with WAC 173-401-615, all chapter 401 permits shall contain compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by a chapter 401 permit shall contain a certification by a responsible official that meets the requirements of WAC 173-401-520.

(2) Inspection and entry. Each permit shall contain inspection and entry requirements that require, that upon presentation of credentials and other documents as may be required by law, the permittee shall allow the permitting authority or an authorized representative to perform the following:

(a) Enter upon the permittee's premises where a chapter 401 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

(d) As authorized by WAC 173-400-105 and the FCAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(3) Schedule of compliance. Each permit shall contain a schedule of compliance consistent with WAC 173-401-510 (2)(h)(iii).

(4) Progress reports. For those sources required to have a schedule of compliance to remedy a violation, the permit shall require progress reports consistent with an applicable schedule of compliance and WAC 173-401-510 (2)(i)(iv) to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the permitting authority. Such progress reports shall contain the following:

(a) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones, or compliance were achieved; and

(b) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

(5) Compliance certification. Each permit shall contain requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:

(a) A requirement that compliance certifications be submitted once per year. Permitting authorities may require that compliance certifications be submitted more frequently for those emission units not in compliance with permit terms and conditions or where more frequent certification is specified in the applicable requirement;

(b) In accordance with WAC 173-401-615(1), a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;

(c) A requirement that the compliance certification include the following:

(i) The identification of each term or condition of the permit that is the basis of the certification;

(ii) The compliance status;

(iii) Whether compliance was continuous or intermittent;

(iv) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with WAC 173-401-615 (3)(a); and

(v) Such other facts as the authority may require to determine the compliance status of the source.

(d) A requirement that all compliance certifications be submitted to the Administrator as well as to the permitting authority; and

(e) Such additional requirements as may be specified pursuant to sections 114 (a)(3) and 504(b) of the FCAA.

NEW SECTION

WAC 173-401-635 Temporary sources. The permitting authority may issue a single permit authorizing emissions from similar operations by the same source owner or operator at multiple temporary locations. The operation must be temporary and involve at least one change of location during the term of the permit. No affected source shall be permitted as a temporary source. Permits for temporary sources shall include the following:

(1) Conditions that will assure compliance with all applicable requirements at all authorized locations;

(2) Requirements that the owner or operator notify the permitting authority at least ten days in advance of each change in location; and

(3) Conditions that assure compliance with all other provisions in WAC 173-401-600 through 173-401-650.

NEW SECTION

WAC 173-401-640 Permit shield. (1) Shield requirement. Except as provided in this section, the permitting authority shall expressly include in a chapter 401 permit a provision stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:

(a) Such applicable requirements are included and are specifically identified in the permit; or

(b) The permitting authority, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.

(2) Omissions. A chapter 401 permit that does not expressly state that a permit shield extends to specific applicable requirements shall be presumed not to provide such a shield for those requirements.

(3) Exclusions. Nothing in this section or in any chapter 401 permit shall alter or affect the following:

(a) The provisions of section 303 of the FCAA (emergency orders), including the authority of the Administrator under that section;

(b) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;

(c) The applicable requirements of the acid rain program, consistent with section 408(a) of the FCAA;

(d) The ability of EPA to obtain information from a source pursuant to section 114 of the FCAA; or

(e) The ability of the permitting authority to establish or revise requirements for the use of reasonably available control technology (RACT) as defined in RCW 70.94.030.

NEW SECTION

WAC 173-401-645 Emergency provision. (1) Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of subsection (3) of this section are met.

(3) Criteria. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;

(b) The permitted facility was at the time being properly operated;

(c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(d) The permittee submitted notice of the emergency to the permitting authority within two working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of WAC 173-401-615 (3)(b). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) Relationship to other rules. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

NEW SECTION

WAC 173-401-650 Operational flexibility. (1) Reasonably anticipated operating scenarios. Each permit shall contain terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the permitting authority. Such terms and conditions:

(a) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;

(b) Shall extend the permit shield described in WAC 173-401-640 to all terms and conditions under each such operating scenario;

(c) Shall ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of this chapter; and

(d) May require the source to notify the permitting authority when the source will shift from one specified operating scenario to another such scenario.

(2) Emissions trading. Each permit shall contain terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

(a) Shall include all terms required under WAC 173-401-600 through 173-401-640 to determine compliance;

(b) May extend the permit shield described in WAC 173-401-640 to all terms and conditions that allow such increases and decreases in emissions;

(c) Shall meet all applicable requirements and requirements of this chapter; and

(d) May require the source to notify the permitting authority when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

Part VII PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS

NEW SECTION

WAC 173-401-700 Action on application. (1) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

(a) The permitting authority has received a complete application for a permit, permit modification, or permit renewal, except that a complete application need not be received before issuance of a general permit under WAC 173-401-750;

(b) The permit has been reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority;

(c) The permitting authority has complied with the requirements for public participation under WAC 173-401-800 and has prepared a response to comments from interested parties prior to the time that the proposed permit is submitted to the EPA for review;

(d) The permitting authority has complied with the requirements for notifying and responding to affected states under WAC 173-401-820;

(e) The conditions of the permit provide for compliance with all applicable requirements and the requirements of this chapter;

(f) The Administrator has received a copy of the proposed permit and any notices required under WAC 173-401-810 and 173-401-820, and has not objected in writing to issuance of the permit within forty-five days of receipt of the proposed permit and all necessary supporting information; and

(g) Whenever EPA objects to issuance of a permit, the permitting authority shall within seven days of receipt of EPA's objection, send the permit applicant a copy of the objection and any statement received from EPA pursuant to 40 CFR 70.8 (c)(2). In these instances, the permitting authority shall not issue the permit unless the permittee consents to the changes required by the EPA.

(2) Deadlines. Except as provided in subsections (1)(g), (3), and (4) of this section or under regulations promulgated under title IV or title V of the FCAA for the permitting of affected sources under the acid rain program, the permitting authority shall take final action on each permit application (including a request for permit modification or renewal) within eighteen months of receiving a complete application.

(3) Transition plan. The permitting authority shall take final action on at least one-third of all operating permit applications from chapter 401 sources for which they have jurisdiction annually over a period not to exceed three years after the effective date of their programs.

(4) Early reduction submittals. The permitting authority shall take final action on a complete permit application containing an early reduction demonstration under section 112 (i)(5) of the FCAA within nine months of receiving the complete application.

(5) Notice of construction applications. The permitting authority shall ensure priority is given to taking action on

applications for construction or modification under title I, parts C and D of the FCAA.

(6) **Completeness.** The permitting authority shall promptly provide notice to the applicant of whether the application is complete. Unless the permitting authority requests additional information or otherwise notifies the applicant of incompleteness within sixty days of receipt of an application, the application shall be deemed complete. For modifications processed through minor permit modification procedures, such as those in WAC 173-401-725 (2)(a) and (3), the permitting authority does not have to provide a completeness determination.

(7) **Statement of basis.** The permitting authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The permitting authority shall send this statement to EPA and to any other person who requests it.

(8) **Preconstruction approval.** The submittal of a complete application shall not affect any requirement of a source to have a preconstruction permit under title I of the FCAA or a notice of construction approval under RCW 70.94.152.

NEW SECTION

WAC 173-401-705 Requirement for a permit. (1) Requirement for a permit. Except as provided in subsection (2) of this section, WAC 173-401-722 and 173-401-725, no chapter 401 source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under a chapter 401 program.

(2) **Application shield.** If a chapter 401 source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a chapter 401 permit is not a violation of this chapter until the permitting authority takes final action on the permit application, except as noted in this section. This protection shall cease to apply if, subsequent to the completeness determination made pursuant to WAC 173-401-700(6), the applicant fails to submit by the deadline specified in writing by the permitting authority any additional information identified as being needed to process the application.

NEW SECTION

WAC 173-401-710 Permit renewal and expiration.

(1) **Renewal application.** The source shall submit a complete permit renewal application to the permitting authority no later than the date established in the permit. This date shall be no less than six months prior to the expiration of the permit. The permitting authority may specify a longer time period in writing to the permitted source at least one year before the application due date already established in the permit to ensure that the terms of the permit will not lapse before the permit is renewed. In no event shall this time period be greater than eighteen months. The permitting authority shall send a permit application to each source at least six months before a complete application is due.

(2) **Permit issuance.** Permits being renewed are subject to the same procedural requirements, including those for

public participation, affected state and EPA review, that apply to initial permit issuance.

(3) **Expired permits.** Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with subsection (1) of this section and WAC 173-401-500. All terms and conditions of the permit shall remain in effect after the permit itself expires if a timely and complete permit application has been submitted.

(4) **Revocation of permits.** The permitting authority shall provide at least thirty days written notice to the holder of a current operating permit prior to revocation of the permit or denial of a permit renewal application. Such notice shall include an explanation of the basis for the action and afford the permittee/applicant an opportunity to meet with the permitting authority prior to the authority's final decision. Nothing in this subsection shall limit the permitting authority's authority to issue emergency orders.

NEW SECTION

WAC 173-401-720 Administrative permit amendments. (1) **Definition.** An "administrative permit amendment" is a permit revision that:

- (a) Corrects typographical errors;
- (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- (c) Requires more frequent monitoring or reporting by the permittee;

(d) Allows for a change in ownership or operational control of a source where the permitting authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the permitting authority;

(e) Incorporates into the chapter 401 permit the terms, conditions, and provisions from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of WAC 173-401-700, 173-401-725, and 173-401-800 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in WAC 173-401-600 through 173-401-650.

(2) **Acid rain provisions.** Administrative permit amendments for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under title IV of the FCAA and in effect on (date of adoption).

(3) **Administrative permit amendment procedures.** An administrative permit amendment may be made by the permitting authority consistent with the following:

(a) The permitting authority shall take no more than sixty days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that it designates any such permit revisions as having been made pursuant to this paragraph.

(b) The permitting authority shall submit a copy of the revised permit to the Administrator.

(c) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

(4) Permit shield. The permitting authority may, upon taking final action granting a request for an administrative permit amendment, allow coverage by the permit shield in WAC 173-401-640 for administrative permit amendments made pursuant to this section which meet the relevant requirements for significant permit modifications in WAC 173-401-600 through 173-401-650, 173-401-725, and 173-401-800 through 173-401-820.

NEW SECTION

WAC 173-401-722 Changes not requiring permit revisions. (1) General.

(a) A chapter 401 source is authorized to make the changes described in this section without a permit revision, providing the following conditions are met:

(i) The proposed changes are not modifications as defined in WAC 173-400-030;

(ii) The proposed changes do not result in emissions which exceed those allowable under the permit, whether expressed as a rate of emissions, or in total emissions;

(iii) The proposed changes do not alter permit terms that are necessary to enforce limitations on emissions from units covered by the permit; and

(iv) The facility provides the Administrator and the permitting authority with written notification at least seven days prior to making the proposed changes.

(b) Permit attachments. The source and permitting authority shall attach each notice to their copy of the relevant permit.

(2) Section 502 (6)(10) changes. Pursuant to the conditions in subsection (1) of this section, a chapter 401 source is authorized to make section 502 (b)(1) changes (as defined in WAC 173-401-200(40)) without a permit revision.

(a) For each such change, the written notification required under subsection (1)(a)(iv) of this section shall include a brief description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(b) The permit shield authorized under WAC 173-401-640 shall not apply to any change made pursuant to this paragraph.

(3) SIP authorized emissions trading. Pursuant to the conditions in subsection (1) of this section, a chapter 401 source is authorized to trade increases and decreases in emissions in the permitted facility, where the Washington state implementation plan provides for such emissions trades without requiring a permit revision. This provision is available in those cases where the permit does not already provide for such emissions trading.

(a) Under this subsection (3), the written notification required under subsection (1)(a)(iii) of this section shall include such information as may be required by the provision in the Washington state implementation plan authorizing the emissions trade, including at a minimum, when the proposed change will occur, a description of each such

change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the Washington state implementation plan, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the applicable implementation plan and that provide for the emissions trade.

(b) The permit shield described in WAC 173-401-640 shall not extend to any change made under this paragraph. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.

(4) Emission caps. Upon the request of the permit applicant, the permitting authority shall issue permits that contain terms and conditions, including all terms required under WAC 173-401-600 through 173-401-650 to determine compliance, allowing for the trading of emissions increases and decreases in the chapter 401 source solely for the purpose of complying with a federally enforceable emissions cap that is established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The emissions trading provisions shall not be applied to any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

(a) Under this paragraph, the written notification required under subsection (1)(a)(iii) of this section shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(b) The permit shield described in WAC 173-401-640 shall extend to terms and conditions that allow such increases and decreases in emissions.

(5) Off-permit changes. The source shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions, and the permitting authority has not objected to such changes. Any change that increases emissions above those allowed in the permit, that is a Title I modification, that is a modification or reconstruction under sections 110, 111, or 112 of the FCAA, or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.

(a) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(b) Sources must provide contemporaneous written notice to the permitting authority and EPA of each such change, except for changes that qualify as insignificant under the provisions adopted pursuant to WAC 173-401-510. Such written notice shall describe each such change, including the requirement that would apply as a result of the change.

(c) The change shall not qualify for the shield under WAC 173-401-640.

NEW SECTION

WAC 173-401-725 Permit modification. (1) Definition. A permit modification is any revision to a chapter 401 permit that cannot be accomplished under provisions for administrative permit amendments under WAC 173-401-720. A permit modification for purposes of the acid rain portion of the permit shall be governed by regulations promulgated under title IV of the FCAA and in effect on (date of adoption).

(2) Minor permit modification procedures.

(a) Criteria.

(i) Minor permit modification procedures may be used only for those permit modifications that:

(A) Do not violate any applicable requirement;

(B) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements or other permit terms or conditions that are necessary to enforce limitations on emissions from units covered by the permit;

(C) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;

(D) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(I) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

(II) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the FCAA;

(E) Are not modifications under any provision of title I of the FCAA; and

(F) Are not required by the permitting authority to be processed as a significant modification.

(ii) Notwithstanding (a)(i) of this subsection, the permitting authority may allow the use of minor permit modification procedures for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that the use of such minor permit modification procedures are explicitly provided for in the Washington state implementation plan or in applicable requirements promulgated by EPA and in effect on (date of adoption).

(b) Application. An application requesting the use of minor permit modification procedures shall meet the requirements of WAC 173-401-510 and shall include the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) The source's suggested draft permit;

(iii) Certification by a responsible official, consistent with WAC 173-401-520, the truth, accuracy, and completeness of the application and that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

(iv) Completed forms for the permitting authority to use to notify the Administrator and affected states as required under WAC 173-401-810 and 173-401-820.

(c) EPA and affected state notification. Within five working days of receipt of a complete permit modification application, the permitting authority shall meet its obligation under WAC 173-401-810 and 173-401-820 to notify the Administrator and affected states of the requested permit modification. The permitting authority promptly shall send any notice required under WAC 173-401-810 to the Administrator.

(d) Notice requirements. Concurrent with the notice to the Administrator and affected states, the permitting authority shall submit to the permit register notice of each proposed minor permit modification. Publication in the next available issue of the permit register will signal the beginning of a public comment period of at least twenty-one days. Each notice must describe the proposed revisions and specify the earliest date on which the public can submit to the Administrator a petition to object under 40 CFR 70.8(d).

(e) Timetable for issuance. The permitting authority may not issue a final permit modification until after the public comment period ends. The permitting authority may not issue a final permit modification until after EPA's forty-five day review period or until EPA has notified the permitting authority that EPA will not object to issuance of the permit modification, whichever is first, although the permitting authority can approve the permit modification prior to that time. Within ninety days of the permitting authority's receipt of an application under minor permit modification procedures or fifteen days after the end of the Administrator's forty-five day review period under WAC 173-401-810, whichever is later, the permitting authority shall:

(i) Issue the permit modification as proposed;

(ii) Deny the permit modification application;

(iii) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or

(iv) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by WAC 173-401-810.

(f) Source's ability to make change. The permitting authority may allow the source to make the change proposed in its minor permit modification application immediately after it files such application provided that those changes requiring the submissions of a notice of construction application have been reviewed and approved by the permitting authority. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions specified in (d) of this subsection, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(g) Permit shield. The permit shield under WAC 173-401-640 shall not extend to minor permit modifications.

(3) Group processing of minor permit modifications. Consistent with this subsection, the permitting authority may process groups of a source's applications for certain modifications eligible for minor permit modification processing.

(a) Criteria. Group processing of modifications may be used only for those permit modifications:

(i) That meet the criteria for minor permit modification procedures under subsection (2)(a) of this section; and

(ii) That collectively are below ten percent of the emissions allowed by the permit for the emissions unit for which the change is requested, twenty percent of the applicable definition of major source in WAC 173-401-200, or five tons per year, whichever is least.

(b) Application. An application requesting the use of group processing procedures shall meet the requirements of WAC 173-401-510 and shall include the following:

(i) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

(ii) The source's suggested draft permit;

(iii) Certification by a responsible official, consistent with WAC 173-401-520, of the truth, accuracy, and completeness of the application and that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;

(iv) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under (a)(ii) of this subsection;

(v) Certification, consistent with WAC 173-401-520, that the source has notified EPA of the proposed modification. Such notification need only contain a brief description of the requested modification; and

(vi) Completed forms for the permitting authority to use to notify the Administrator and affected states as required under WAC 173-401-810 and 173-401-820.

(c) EPA and affected state notification. On a quarterly basis or within five business days of receipt of an application demonstrating that the aggregate of a source's pending applications equals or exceeds the threshold level set under (a)(ii) of this subsection, whichever is earlier, the permitting authority promptly shall meet its obligation under paragraphs WAC 173-401-810 and 173-401-820 to notify the Administrator and affected states of the requested permit modifications. The permitting authority shall send any notice required under WAC 173-401-810 to the Administrator.

(d) Notice of requirements. Concurrent with the notice to the Administrator and affected states, the permitting authority shall submit to the permit register notice of group processing of minor permit modifications. Publication in the next available issue of the permit register will signal the beginning of a public comment period of at least twenty-one days. Each notice must describe the proposed revisions and specify the earliest date on which the public can submit to the Administrator a petition to object under 40 CFR 70.8(d).

(e) Timetable for issuance. The provisions of subsection (2)(e) of this section shall apply to modifications eligible for group processing, except that the permitting authority shall take one of the actions specified in subsection (2)(e) of this section within one hundred eighty days of receipt of the application or fifteen days after the end of the Administrator's forty-five day review period, whichever is later.

(f) Source's ability to make change. The provisions of subsection (2)(f) of this section shall apply to modifications eligible for group processing.

(g) Permit shield. The permit shield under WAC 173-401-640 shall not extend to minor permit modifications.

(4) Significant modification procedures.

(a) Criteria. Significant modification procedures shall be used for applications requesting permit modifications that do not qualify as minor permit modifications or as administrative permit amendments. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or recordkeeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with this chapter that would render existing permit compliance terms and conditions irrelevant.

(b) Significant permit modifications shall meet all requirements of this chapter, including those for applications, public participation, review by affected states, and review by EPA, as they apply to permit issuance and permit renewal. The permitting authority shall implement this review process to complete review on the majority of significant permit modifications within nine months after receipt of a complete application.

NEW SECTION

WAC 173-401-730 Reopening for cause. (1) Standard provisions. Each issued permit shall include provisions stating that the permit shall be reopened and revised under any of the following circumstances:

(a) Additional applicable requirements become applicable to a major chapter 401 source with a remaining permit term of three or more years. Such a reopening shall be completed not later than eighteen months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to WAC 173-401-620 (2)(j);

(b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;

(c) The permitting authority or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

(d) The Administrator or the permitting authority determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(2) Procedures. Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.

(3) Notice. Reopenings under this section shall not be initiated before a notice of such intent is provided to the chapter 401 source by the permitting authority at least thirty days in advance of the date that the permit is to be reopened,

except that the permitting authority may provide a shorter time period in the case of an emergency.

NEW SECTION

WAC 173-401-735 Permit appeals. A decision to issue or to deny a final permit, or the terms or conditions of such a permit, may be appealed to the pollution control hearings board under chapter 43.21B RCW and RCW 70.94.161(9). Any appealable decision or determination shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed by filing an appeal with the pollution control hearings board and serving the appeal on the permitting authority within thirty days of receipt, pursuant to RCW 43.21B.310. The provision for appeal in this section is separate from and additional to any federal rights to petition and review under section 505(b) of the FCAA.

Part VIII

THE PERMIT PROCESS FOR GENERAL PERMITS

NEW SECTION

WAC 173-401-750 General permits. (1) Permit issuance. The permitting authority may, after notice and opportunity for public participation provided under WAC 173-401-800, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to other chapter 401 permits and shall identify criteria by which sources may qualify for the general permit. To sources that qualify, the permitting authority shall grant the conditions and terms of the general permit. Notwithstanding the shield provisions of WAC 173-401-640, the source shall be subject to enforcement action for operation without a chapter 401 permit if the source is later determined not to qualify for the conditions and terms of the general permit. General permits shall not be authorized for affected sources under the acid rain program unless otherwise provided in regulations promulgated under title IV of the FCAA and in effect on (date of adoption).

(2) Applications. Chapter 401 sources that would qualify for a general permit must apply to the permitting authority for coverage under the terms of the general permit or must apply for a chapter 401 permit consistent with WAC 173-401-500. The permitting authority may, in the general permit, provide for applications which deviate from the requirements of WAC 173-401-510, provided that such applications meet the requirements of this chapter, and include all information necessary to determine qualification for, and to assure compliance with, the general permit. Without repeating the public participation procedures required under WAC 173-401-800, the permitting authority may grant a source's request for authorization to operate under a general permit, but such a grant shall not be a final permit action for purposes of judicial review.

(3) Renewal. General permits being renewed are subject to the same procedural requirements, including public participation, that apply to initial permit issuance. If the general permit is renewed without change, sources covered by the general permit do not need to submit new applications to operate under the authority of the general permit.

Part VIII

PUBLIC INVOLVEMENT AND PERMIT REVIEW BY EPA AND AFFECTED STATES

NEW SECTION

WAC 173-401-800 Public involvement. (1) Purpose. It is ecology's and local air authorities' goal to ensure that accurate permitting information is made available to the public in a timely manner. The permitting authority is responsible for providing notice of permitting actions that allows sufficient time for comment and for providing enough information to inform the public of the extent of the actions proposed. These public involvement regulations establish a state-wide process to be followed by all permitting authorities.

(2) Public notice.

(a) The permitting authority shall provide public notice for the following actions:

- (i) Issuance of a draft permit;
- (ii) Intended denial of a permit application;
- (iii) Issuance of a draft permit modification;
- (iv) Issuance of a draft general permit;
- (v) Scheduling of a public hearing under subsection (4)

of this section; and

(vi) Any other related activities that the permitting authority considers to involve substantial public interest.

(b) Public notice shall be provided by the permitting authority in the newspaper of largest general circulation in the area of the facility applying for a permit. Publication includes paid advertisement, legal notice, or other appropriate format, as determined by the permitting authority. The permitting authority may provide additional notice to the public through other methods, such as newsletters and press releases. Notice shall also be published in the *Ecology Permit Register*. The permitting authority shall send information on any action requiring publication in the *Permit Register* to ecology within three days of the action.

(c) Notice of the activities described in (a) of this subsection shall also be provided to persons requesting to receive notice. The permitting authority shall maintain a mailing list of persons requesting notice, and may maintain more than one list, such as lists based on geographical location. No request shall require the extension of the comment period associated with the notice. The permitting authority may from time to time inform the public of the opportunity to be on the list and may also delete from the list persons who fail to respond to an inquiry of continued interest in receiving the notices.

(d) Public notice and notice for those requesting notice must include:

- (i) Name and address of the permitting authority;
- (ii) Name and address of the permit applicant, and if different, the name and address of the facility of activity regulated by the permit, unless it is a general permit;
- (iii) A brief description of the business conducted at the facility or activity involved in the permit action;
- (iv) Name, address, and telephone number of a person from whom interested persons may obtain further information such as copies of the draft permit, the application, and relevant supporting materials;

(v) A brief description of the comment procedures, including the procedures to request a hearing, and the time and place of any hearings scheduled for the permit; and

(vi) A description of the emission change involved in any permit modification.

(e) The permitting authority must make available for public inspection, in at least one location near the proposed project, all nonproprietary information contained in the permit application, draft permit and supporting materials. Public inspections of materials for nonstationary sources or general permits may be located at the discretion of the permitting authority.

(3) Public comment. Except as otherwise provided in WAC 173-401-725, the permitting authority shall provide a minimum of thirty days for public comment draft permits, modifications, and renewals. This comment period begins on the date of publication of notice in the *Permit Register* or publication in the newspaper of largest general circulation in the area of the facility applying for the permit, whichever is later. No proposed permit shall be issued until the public comment period has ended and the permitting authority has prepared a response to the comments received.

(4) Public hearings. The permitting authority shall provide a public hearing if, on the basis of written requests received within the public comment period, the permitting authority determines that material issues have been raised with respect to the terms and conditions of a permit. However, if the permitting authority determines that the permitting action is of significant public interest, the permitting authority may hold a public hearing. In such instances, public notice of the hearing may be combined with the public notice of the draft permit.

(5) Fact sheets. The permitting authority shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The permitting authority shall send this statement to the Administrator and to any other person who requests it.

(6) The permitting authority shall keep a record of the comments and issues raised during the public participation process. Such records shall be available to the public.

NEW SECTION

WAC 173-401-805 Permit register. (1) Permit register. Ecology shall regularly publish and maintain a *Permit Register* that will be distributed to all interested parties that request to be on the mailing list. All permitting authorities will work to ensure the information published in the register is timely.

(2) Content. Besides the actions listed in WAC 173-401-800(2), the register will give notice of the following, as pertains to sources covered under this rule:

(a) Public meetings or hearings on a draft operating permit;

(b) Receipt of permit applications;

(c) Issuance of enforcement orders;

(d) Permit appeals to the pollution control hearings board;

(e) Any petition granted or denied by EPA as provided under Section 505(b) of the FCAA;

(f) Issuance of temporary source permits;

(g) Transmittal of proposed permits, permit modifications, or renewals to the EPA;

(h) Issuance or denial of final permit, permit modifications, or renewals;

(i) Authorization for a source to operate without an operating permit by limiting actual emissions to levels below those that would make the source subject to the requirement to obtain an operating permit; and

(j) Changes made without revising the permit pursuant to WAC 173-401-722.

(3) Mailing list. Ecology shall periodically notify the public of the opportunity to be put on the mailing list for the permit register.

NEW SECTION

WAC 173-401-810 Transmission of information to the Administrator. (1) Information transfer. The permitting authority shall provide to the Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final chapter 401 permit. The applicant may be required by the permitting authority to provide a copy of the permit application (including the compliance plan) directly to the Administrator. Upon agreement with the Administrator, the permitting authority may submit to the Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information shall be provided in computer-readable format compatible with EPA's national data base management system.

(2) Records. Each permitting authority shall keep for five years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the state program complies with the requirements of the FCAA or of 40 CFR part 70.

NEW SECTION

WAC 173-401-820 Review by affected states. (1) Notice. The permitting authority shall give notice of each draft permit to any affected state on or before the time that the permitting authority provides this or permit revision notice to the public under WAC 173-401-800 and 173-401-805, except to the extent WAC 173-401-725 (2) or (3) requires the timing of the notice to be different.

(2) Response. The permitting authority, as part of the submittal of the proposed permit to the Administrator (or as soon as possible after the submittal for minor permit modification procedures allowed under WAC 173-401-725 (2) and (3), shall notify the Administrator and any affected state in writing of any refusal by the permitting authority to accept all recommendations for the proposed permit that the affected state submitted during the public or affected state review period. The notice shall include the permitting authority's reasons for not accepting any such recommendation. The permitting authority is not required to accept recommendations that are not based on applicable requirements or the requirements of this chapter.

WSR 93-07-068
PREPROPOSAL COMMENTS
DEPARTMENT OF REVENUE
[Filed March 17, 1993, 3:22 p.m.]

Subject of Possible Rule Making: Amending WAC 458-40-634 Timber excise tax—Taxable stumpage value—Small harvester option.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: James Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458, FAX (206) 664-0972. Public meeting scheduled in: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on April 16, 1993, at 9:30 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: These proposed amendments are for the purpose of clarifying the rule and changing the optional deduction for harvesting and marketing costs for small harvesters from fifty percent to thirty-five percent. For copy of the "small harvester option" rule draft, call the forest tax section at (206) 753-7086.

March 17, 1993
Les Jaster
Rules Coordinator

Proposal Changes the Following Existing Rules: Some items previously contained in WAC 458-20-119 have been placed in WAC 458-20-124, which deals with sales of meals by restaurants.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): This amendment clarifies existing department policy and removes language that no longer complies with existing statutes; and the amendment creates no additional economic administrative burden on any taxpayer.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on April 28, 1993, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, P.O. Box 47458, FAX (206) 664-0972, Olympia, WA 98504-7458, by April 28, 1993.

Date of Intended Adoption: May 5, 1993.

March 17, 1993
Russell W. Brubaker
Legislation and Policy Manager

WSR 93-07-069
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed March 17, 1993, 3:25 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-119 Sales of meals.

Purpose: To provide current tax reporting information to persons who sell meals.

Other Identifying Information: See also proposed revisions to WAC 458-20-124.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: This rule explains how caterers and food service contractors are taxed. The rule will clarify that hospitals operating cafeterias are subject to the retailing and retail sales tax on meals provided to staff under some conditions.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains how sales of meals are taxed. It provides tax reporting information to persons who provide meals without a specific charge. The rule discusses the taxability of caterers and food service contractors. The tax consequences of meals furnished to employees are also discussed.

AMENDATORY SECTION (Amending Order ET 86-1, filed 1/7/86)

WAC 458-20-119 Sales of meals.

~~((Business and occupation tax~~

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

Retail sales tax

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

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

~~**Railroad, pullman car, steamship, airplane, or other transportation company diners.** Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.~~

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

vendors for retail sales tax upon the purchase of the food supplies or meals.

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

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

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

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

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

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

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

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

Meals furnished to employees.—Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served to each employee, based upon

the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count:—(a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

School, college, or university dining rooms.—Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales.

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

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

Class B license locations.—When an operator elects to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method for drinks must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals which include tax and food totals which do not include tax must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

Gratuities.—Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise

~~must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.~~

Effective May 1, 1982:)) (1) **Introduction.** This section explains Washington's B&O and retail sales tax applications to the sales of meals. This section also gives tax reporting information to persons who provide meals without a specific charge. It explains how meals furnished to employees are taxed. Persons in the business of operating restaurants should also refer to WAC 458-20-124 and persons operating hotels, motels, boarding houses, or similar businesses should refer to WAC 458-20-166.

(2) **Business and occupation tax.** The sales of meals and the providing of meals as a part of services rendered are subject to tax as follows:

(a) **Retailing.** The retailing B&O tax applies as follows:

(i) **Restaurants, cafeterias, and other eating places.** Sales of meals to consumers by restaurants, cafeterias, clubs, and other eating places are subject to the retailing tax. (See WAC 458-20-124—Restaurants, etc.)

(ii) **Caterers.** Sales of meals and prepared food by caterers are subject to the retailing tax when sold to consumers. "Caterer" means a person who provides, prepares, and serves meals for immediate consumption at a location selected by the customer. The tax liability is the same whether the meals are prepared at the customer's site or the caterer's site. The retailing tax also applies when caterers prepare and serve meals using ingredients provided by the customer. Persons providing a food service for others should refer to the subsection below entitled "Food service contractors."

(iii) **Hotels, motels, bed and breakfast facilities, resort lodges, and other establishments offering meals and transient lodging.** Sales of meals by hotels, motels, and other persons who provide transient lodging are subject to the retailing tax.

(iv) **Boarding houses, American plan hotels, and other establishments offering meals and nontransient lodging.** Sales of meals by boarding houses and other such places are subject to retailing tax.

(A) Except for guest ranches and summer camps, when a lump sum is charged to nontransients for providing both lodging and meals, the fair selling price of the meals is subject to the retailing tax. Unless accounts are kept showing the fair selling price, the tax will be computed upon double the cost of the meals served. The cost includes the price paid for food and drinks served, the cost of preparing and serving meals, and all other incidental costs, including an appropriate portion of overhead expenses.

(B) It will be presumed that guest ranches and summer camps are not making sales of meals when a lump sum is charged for the furnishing of lodging to nontransients, and meals are included.

(v) **Railroad, Pullman car, ship, airplane, or other transportation company diners.** Sales of meals by a railroad, Pullman car, ship, airplane, or other transportation company served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retailing tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount

charged is deemed a charge for transportation and the retailing tax does not apply to any part of the charge.

(vi) **Hospitals, nursing homes, and other similar institutions.** The serving of meals by hospitals, nursing homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not a sale at retail. However, many hospitals and similar institutions have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses, and other employees. Some of these institutions have agreements where the employees are paid a fixed wage in payment for services rendered and are provided meals at no charge. Under those circumstances, all sales of meals to such persons are subject to the retailing tax, including the value of meals provided at no charge to employees. Refer to the subsection below entitled "Meals furnished to employees."

(vii) **School, college, or university dining rooms.** Public schools, high schools, colleges, universities, or private schools operating lunchrooms, cafeterias, dining rooms, or snack bars for the exclusive purpose of providing students and faculty with meals or prepared foods are not considered to be engaged in the business of making retail sales of meals. This tax reporting provision applies when the educational institution operates the facility itself or contracts with a third party to operate the facility. However, if guests are permitted to dine with students or faculty in such areas, the sales of meals to the guests are subject to the retailing tax. (Refer also to WAC 458-20-167.)

(A) To be considered as exclusively operated for students and faculty, the lunch room, cafeteria, dining room, or snack bar must have a posted sign stating that the area is only open to students and faculty. The actual policy in practice in these areas must be consistent with the posted policy.

(B) If the cafeteria, lunch room, dining room, or snack bar is generally open to the public, the facility is considered to be making retail sales and the income from all sales of meals is subject to the retailing tax.

(viii) **Fraternalities and sororities.** Fraternalities, sororities, and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members.

(b) **Wholesaling-other.** Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling-other tax classification. (See WAC 458-20-102.)

(c) **Service and other business activities.** Private schools, which do not meet the definition of "educational institution," operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing meals to students and faculty are subject to the service B&O tax on the charges to students and faculty for meals. See WAC 458-20-114 and 458-20-167 for definitions of private schools and educational institutions.

(3) **Retail sales tax.** The sales of meals, upon which the retailing tax applies under the provisions set forth above, are generally subject to tax under the retail sales tax classification. However, a retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6).

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW. However, this exemption does not apply to purchases of prepared meals by not-for-profit organizations, such as hospitals, which provide the meals to patients as a part of the services they render.

(c) Prepared meals sold to the federal government. (See WAC 458-20-190). However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of meals being sold at retail or wholesale.

(d) Purchases of prepared meals by persons who are not in the business of selling meals at retail or wholesale are subject to the retail sales tax.

(e) Private schools, educational institutions, nursing homes, and similar institutions who are not making sales of meals at retail or wholesale are required to pay retail sales tax on all purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. However, purchases of such items by restaurants and similar businesses which are making retail or wholesale sales of meals are not subject to the retail sales or use tax.

(f) Transportation companies not segregating their charges for meals, and transporting persons for hire in interstate commerce, generally will be liable to their vendors for retail sales tax upon the purchase of the food supplies or prepared meals to the extent that the meals will be served to passengers in Washington. Certain food items are statutorily exempt of retail sales or use tax. See WAC 458-20-244.

(5) **Sales by persons having a food and beverage worker's permit.** Retail vendors who are required by law to have a food and beverage service worker's permit under RCW 69.06.010 are subject to the retailing and retail sales taxes on sales of prepared food products. (See RCW 82.08.0293.) This includes, but is not limited to, sales of sandwiches prepared or chicken cooked on the premises, deli trays, home delivered pizzas, etc. However, sales of the following food products are exempt of sales tax even though sold by a person required to have a food and beverage service worker's permit:

(a) Raw meat prepared by persons who slaughter animals, including fish and fowl, or dress or wrap slaughtered raw meat such as fish dealers, butchers, or meat wrappers;

(b) Meat and cheese sliced and/or wrapped, in any quantity determined by the buyer, sold by vendors such as meat markets, delicatessens, and grocery stores;

(c) Baked goods sold by bakeries which sell no food products other than baked goods, including bakeries located in grocery stores;

(d) Bulk food products sold from bins or barrels, including but not limited to, flour, fruits, vegetables, sugar, salt, candy, chips, and cocoa.

(6) **Food service contractors.** The term "food service contractor" means a person who operates a food service at a kitchen, cafeteria, dining room, or similar facility owned by an institution or business. Food service contractors are generally subject to the retailing B&O and retail sales taxes upon their gross income, or gross proceeds of sales. For example, the operation of a cafeteria which provides meals to employees of a manufacturing or financial facility is a retail activity.

(a) However, in some cases income received by a food service contractor may be subject to the service B&O tax.

(i) Income received for the management or supervision of a food service operation is subject to the service B&O tax, but only when the staff actually preparing the meals or prepared foods is employed by the institution or business hiring the food service contractor.

(ii) Income received for meals or prepared foods served to students or faculty at an educational institution or private school is subject to the service B&O tax, but only when the cafeteria, lunch room, or similar facility is operated for the exclusive use of students or faculty. Sales of meals or prepared foods to guests in such areas are, however, subject to the retailing and retail sales taxes. Refer also to the subsection above entitled "School, college, or university dining rooms."

(iii) Income received for meals or prepared foods served to patients or residents of a hospital, nursing home, or similar institution is subject to the service B&O tax when the meal or prepared food is provided as a part of the service rendered by the institution. Meals sold to doctors, nurses, visitors, and other employees are subject to the retailing and retail sales taxes. Refer also to the subsection above entitled "Hospitals, nursing homes, and other similar institutions."

(b) Income received for meals or prepared foods which the business or institution resells at retail or wholesale is subject to the wholesaling B&O tax.

(c) In all cases where the meals are prepared at off-site facilities not owned by the institution or business, retailing and retail sales taxes apply to the gross proceeds of sale, or gross income.

(7) **Meals furnished to employees.** Sales of meals to employees are sales at retail and subject to the retailing B&O and retail sales taxes. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered.

(a) Where a specific and reasonable charge is made to the employee, the measure of the tax is the sales value. (See WAC 458-20-112—Value of products.)

(b) Where no specific charge is made, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food.

(c) It is often impracticable to collect the retail sales tax from employees on such sales. The employer may, in lieu of collecting such tax from employees, pay the tax directly to the department of revenue.

(d) Where meals furnished to employees are not recorded as sales, the tax due shall be presumed to apply according to the following formula for determining meal count:

(i) Those employees working shifts up to five hours, one meal; and

(ii) Employees working shifts of more than five hours, two meals.

(8) Sales of meals, beverages, and food at prices including sales tax. Persons who advertise and/or sell meals, alcoholic or other beverages, or any kind of food products upon which retail sales tax is due should refer to WAC 458-20-244 (Food products), WAC 458-20-124 (Restaurants, etc.), and WAC 458-20-107 (Advertised prices including sales tax). The taxability of persons operating class H licensed restaurants is specifically addressed in WAC 458-20-124.

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

(10) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) ABC Hospital operates a cafeteria and sells meals to physicians and to persons who are visiting patients in the hospital. Meals are also provided to its employees at no charge. However, there is no accounting for the number of meals consumed by the employees. Payroll records do record the number of hours worked. On average, employees working shifts of up to five hours consume one meal while those working shifts of more than five hours consume two meals.

ABC Hospital is subject to retailing and retail sales taxes on the value of the meals consumed by its employees. The value subject to tax is determined by the average cost of meals consumed by the employees multiplied by the number of meals as determined through a review of the payroll records. While the presumption is that employees working shifts of up to five hours consume one meal with those working shifts of five to eight hours consuming two, this presumption may be rebutted under particular circumstances.

(b) Company B is a food service contractor operating an on-site cafeteria for Nursing Home C. Company B has contracted to purchase unprepared food products as an agent for Nursing Home C. The contract also requires Company B to develop menus, train Nursing Home C's food service staff, and provide supervisors to direct food preparation at the nursing home by the nursing home's staff. All meals are provided, at no charge, to patients and employees. Company B is not selling prepared foods or meals to Nursing Home C, but is providing food service management. Company B is

subject to the service and other business activities tax on the gross income derived from the management services.

(c) Hospital D contracts with GH Food Service to operate an on-site cafeteria. GH Food Service is responsible for all aspects of the food service operation and all food service staff and supervisors are employed by GH. GH Food Service charges the hospital for each meal provided to a patient. Employees and guests are charged for meals served in the cafeteria. The charges to Hospital D for the meals served to patients are subject to the service B&O tax. These meals are provided to the patients as a part of the services rendered by Hospital D. The sales of meals to the employees and guests are, however, subject to the retailing and retail sales taxes.

(d) X operates a boarding house and provides lodging and meals to ten nontransient residents. Each resident is charged a lump sum to cover both lodging and meals with no accounting for a fair selling price for the meals. X is making retail sales of meals to its residents. Retailing and retail sales taxes are due on the value of the meals served. This value must be computed as double the cost of the meal, including the cost of the food and drink ingredients, costs of meal preparation, and other costs associated with the meal preparation such as overhead expenses.

(e) Y Motor Inn contracts with Z Company to provide catering services for a function to be held at the motor inn. During discussions concerning the services to be provided, Z Company is informed that a fifteen percent gratuity is generally recommended. Z Company negotiates the gratuity percentage to ten percent and signs a catering contract stating that the agreed gratuity will be added. The gratuity charged to Z Company is subject to both the retailing and retail sales taxes. This is not a voluntary gratuity since it is required to be paid as a condition of the contract. Gratuities are not part of the selling price only when they are strictly voluntary.

(f) L College operates a campus snack bar for the exclusive purpose of serving prepared foods to its students and faculty. However, while not open to the general public, the snack bar does serve invited guests. L College has posted a sign indicating that the snack bar is only open to students and faculty.

The sales of prepared foods to L College's students and faculty are not retail sales. The policy in practice at this snack bar is to not serve the general public, and a sign indicating this policy has been posted. L College is considered to be operating the snack bar for the exclusive use of students and faculty. However, the sales to the invited guests are retail sales and subject to the retailing and retail sales taxes.

WSR 93-07-070
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed March 17, 1993, 3:28 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-20-124 Restaurants, soda fountains, cocktail bars, beer parlors, etc.

Purpose: To amend rule to clarify how discounted and promotional meals are taxed, and the requirements of class H license holders for price posting.

Other Identifying Information: See also proposed revisions to WAC 458-20-119.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: Title 82 RCW.

Summary: This rule explains the effect discounts, such as "2 for 1" promotions have on the measure of tax liability. The rule proposes that class H license holders may use different pricing methods for drinks sold in different areas of the business.

Name of Agency Personnel Responsible for Drafting and Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: Russ Brubaker, 711 Capitol Way, #303, Olympia, (206) 586-0257.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule explains the application of the business and occupation and retail sales taxes to sales by restaurants and similar businesses. It discusses the sales of meals, beverages, and foods at prices including retail sales tax. This rule also clarifies how discounts and promotional meals are taxed.

Proposal Changes the Following Existing Rules: Some items previously contained in WAC 458-20-124 have been placed in WAC 458-20-119 Sales of meals.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason(s): This amendment clarifies existing department policy and makes no change in reporting requirements; allowing Class H license holds [holders] to determine their own pricing policy may relieve small business from some economic administrative burden; and the amendment creates no additional economic administrative burden on any taxpayer.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on April 28, 1993, at 9:30 a.m.

Submit Written Comments to: Les Jaster, Rules Coordinator, Department of Revenue, P.O. Box 47458, FAX (206) 664-0972, Olympia, WA 98504-7458, by April 28, 1993.

Date of Intended Adoption: May 5, 1993.

March 17, 1993

Russell W. Brubaker
Legislation and Policy Manager

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

WAC 458-20-124 Restaurants, ~~((soda fountains,))~~ cocktail bars, ~~((beer parlors, etc))~~ taverns, and similar businesses. ~~((As used herein,))~~ (1) Introduction. This section explains Washington's B&O and retail sales tax

applications to sales by restaurants and similar businesses. It discusses the sales of meals, beverages, and foods at prices inclusive of the retail sales tax. This section also explains how discounted and promotional meals are taxed. Persons operating restaurants and similar businesses should also refer to WAC 458-20-119 and 458-20-244. The term "restaurants, ~~((soda fountains,))~~ cocktail bars, ~~((beer parlors, etc,))~~ taverns, and similar businesses" means every place where prepared foods and beverages are sold and served to individuals, generally for consumption on the premises where sold.

~~((The retail sales tax applies upon all sales of foods and beverages made to consumers by persons operating restaurants, soda fountains, cocktail bars, beer parlors, etc:~~

Sales of alcoholic beverages by class h licensees, taverns, and concessionaires. ~~Businesses authorized under license or permit issued by the Washington state liquor control board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (1) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (2) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.~~

Class H license locations. ~~When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.~~

~~The retail sales tax also applies upon all sales of dishes, kitchen utensils, linens, furniture and fixtures, and the like, made by supply houses to such operators.~~

~~The retail sales tax does not apply upon sales of foodstuffs and beverages made by supply houses to persons operating restaurants, soda fountains, cocktail bars, beer parlors, etc. Likewise, that tax does not apply upon sales to said persons of paper plates, paper cups, paper napkins,~~

toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use. (See WAC 458-20-119—Sales of meals.)) (2) **Business and occupation tax.** The tax liability of restaurants, cocktail bars, taverns, and similar businesses is as follows:

(a) **Retailing.** Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns, and similar businesses are subject to the retailing tax classification. Meals provided to employees are presumed to be in exchange for services received from the employee and are retail sales and also subject to the retailing tax. (See WAC 458-20-119, Sales of meals.)

(b) **Wholesaling.** Persons making sales of prepared meals to persons who will be reselling the meals are subject to the wholesaling-other tax classification. (See WAC 458-20-102.)

(c) **Service.** Compensation received from owners of coin-operated machines for allowing the placement of those machines at the restaurant, cocktail bar, tavern, or similar business is subject to the service and other business activities tax. Persons operating games of chance should refer to WAC 458-20-131.

(3) **Retail sales tax.** Sales to consumers of meals and prepared foods by restaurants, cocktail bars, taverns, and similar businesses are generally subject to retail sales tax. This includes the meals sold or furnished to the employees of the business. A retail sales tax exemption is available for the following sales of meals:

(a) Prepared meals sold under a state-administered nutrition program for the aged as provided for in the Older Americans Act (Public Law 95-478 Title III) and RCW 74.38.040(6);

(b) Prepared meals sold to or for senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW;

(c) Prepared meals sold to the federal government. (See WAC 458-20-190.) However, meals sold to federal employees are taxable, even if the federal employee will be reimbursed for the cost of the meals by the federal government.

(4) **Deferred sales or use tax.** If the seller fails to collect the appropriate retail sales tax, the purchaser is required to pay the deferred sales or use tax directly to the department.

(a) Purchases of dishes, kitchen utensils, linens, and items which do not become an ingredient of the meal, are subject to retail sales tax.

(b) Retail sales tax or use tax applies to purchases of equipment, repairs, appliances, and construction.

(c) The retail sales or use tax does not apply to purchases of food or beverage products which are ingredients of the meals being sold.

(d) Purchases of paper plates, paper cups, paper napkins, toothpicks, or any other articles which are furnished to customers, the first actual use of which renders such articles unfit for further use, are not subject to retail sales tax when purchased by restaurants and similar businesses making actual sales of meals.

(5) **Combination businesses.** Persons operating a combination of two kinds of food sales businesses, of which one is the sale of food for immediate consumption (i.e., a bakery selling food products ready for consumption and in

bulk quantities), are required to keep their accounting records and sales receipts segregated between taxable and tax exempt sales. Persons operating a combination business should refer to WAC 458-20-244.

(6) **Discounted and promotional meals.** Persons who sell meals on a "two for one" or similar basis are not giving away a free meal, but rather are selling two meals at a discounted price. Both the retailing B&O and retail sales taxes should be calculated on the reduced price actually received by the seller.

Persons who provide meals free of charge to promote sales are consumers of those meals. Use tax is due on the "value of the article used," which is the retail sales value of each meal. (See WAC 458-20-178—Use tax.) However, many persons provide prepared foods without charge in their lounge or bar area to encourage sales of drinks. If the customer is required to purchase drinks to be entitled to the prepared foods, these foods are considered to be sold with the drink.

(7) **Sales of meals, beverages, and food at prices including sales tax.** Persons may advertise and/or sell meals, beverages, or any kind of food product at prices including sales tax. Any person electing to advertise and/or make sales in this manner must clearly indicate this pricing method on the menus and other price information.

If sales invoices, sales slips, or dinner checks are given to the customer, the sales tax must be separately stated on all such sales invoices, sales slips, or dinner checks. If not separately stated on the sales invoices, sales slips, or dinner checks, it will be presumed that retail sales tax was not collected. In such cases the measure of tax will be gross receipts. (Refer also to WAC 458-20-107.)

(8) **Class H restaurants.** Restaurants operating under the authority of a class H liquor license generally have both dining and cocktail lounge areas. Customers purchasing beverages or food in lounge areas are generally not given sales invoices, sales slips, or dinner checks, nor are they generally provided with menus.

(a) Many class H restaurants elect to sell beverages or food at prices inclusive of the sales tax in the cocktail lounge area. If this pricing method is used, notification that retail sales tax is included in the price of the beverages or foods must be posted in the lounge area in a manner and location so that customers can see the notice without entering employee work areas. It will be presumed that no retail sales tax has been collected or is included in the gross receipts when a notice is not posted and the customer does not receive a sales invoice or sales slip separately stating the retail sales tax.

(b) The election to include retail sales tax in the selling price in one area of a location does not preclude the restaurant from selling beverages or food at a price exclusive of sales tax in another. For example, an operator of a class H restaurant may elect to include the retail sales tax in the price charged for beverages in the lounge area, while the price charged in the dining area is exclusive of the sales tax.

(c) Class H restaurants are not required to post actual drink prices in the cocktail lounge areas. However, if actual prices are posted, the advertising requirements expressed in WAC 458-20-107 must be met.

(9) **Gratuities.** Tips or gratuities representing donations or gifts by customers under circumstances which are clearly

voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing (~~(classification of the business and occupation tax)~~) B&O and (~~(the)~~) retail sales (~~(tax)~~) taxes. (Refer also to WAC 458-20-119.)

(10) Vending machines and amusement devices. Persons owning and operating vending machines and amusement devices should refer to WAC 458-20-187 (Coin operated vending machines, amusement devices and service machines).

(11) Examples. The following examples identify a number of facts and then state a conclusion. These examples should be used only as a general guide. The tax status of each situation must be determined after a review of all of the facts and circumstances.

(a) ABC Coffee Shop has its own bakery and also a counter and tables where it sells pastries and coffee for immediate consumption. ABC also sells donuts and other bakery items for consumption off the premises. No beverages are sold in unsealed containers except for consumption on the premises. ABC accounts separately for its sales of products which are not intended for immediate consumption through a coding maintained by the cash register. ABC is operating a combination business. It is required to collect retail sales tax on items sold for consumption on the premises, but is not required to collect retail sales tax on baked goods intended for consumption off the premises.

(b) XYZ Restaurant operates both a cocktail bar and a dining area. XYZ has elected to sell drinks and appetizers in the bar at prices including the retail sales tax while selling drinks and meals served in the dining area at prices exclusive of the sales tax. There is a sign posted in the bar area advising customers that all prices include retail sales tax. Customers in the dining area are given sales invoices which separately state the retail sales tax. As an example, a typical well drink purchased in the bar for \$2.50 inclusive of the sales tax, is sold for \$2.50 plus sales tax in the dining area. The pricing requirements have been satisfied and the drink and food totals are correctly reflected on the customers' dinner checks. XYZ may factor the retail sales tax out of the cocktail bar gross receipts when determining its retailing and retail sales tax liability.

(c) RBS Restaurant operates both a cocktail bar and a dining area. RBS has elected to sell drinks at prices inclusive of retail sales tax for all areas where drinks are served. It has a sign posted to inform customers in the bar area of this fact and a statement is also on the dinner menu indicating that any charges for drinks includes retail sales tax. Dinner checks are given to customers served in the dining area which state the price of the meal exclusive of sales tax, sales tax on the meal, and the drink price including retail sales tax. Because the business has met the sign posting requirement in the bar area and has indicated on the menu that sales tax is included in the price of the drinks, RBS may factor the sales tax out of the gross receipts received from its drink sales when determining its taxable retail sales.

(d) Z Tavern sells all foods and drinks at a price inclusive of the retail sales tax. However, there is no mention of this pricing structure on its menus or reader

boards. The gross receipts from Z Tavern's food and drink sales are subject to the retailing and retail sales taxes. Z Tavern has failed to meet the conditions for selling foods and drinks at prices including tax. Z Tavern may not assume that the gross receipts include any sales tax and may not factor the retail sales tax out of the gross receipts.

**WSR 93-07-071
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)
[Filed March 17, 1993, 3:30 p.m.]

Original Notice.

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

Purpose: Clarification of ambiguous areas of the Medicaid personal care rules and allow relatives who are not legally responsible for clients to provide paid care within WAC 388-15-820, 388-15-830, 388-15-840, 388-15-850, 388-15-860, 388-15-870, 388-15-880, and 388-15-890.

Statutory Authority for Adoption: RCW 74.09.520.

Statute Being Implemented: RCW 74.09.520.

Summary: Clarifies ambiguous areas of the Medicaid personal care rules, and allows relatives who are not legally responsible for clients to provide paid care. Allows federal match for personal care services now being paid through the state program.

Reasons Supporting Proposal: Removes "tasks" definition; adds another "community residence" definition; defines "personal care assistance"; changes qualifications for a relative provider; and adds a section for program limitations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Fran Wilson-Maudsley, Aging and Adult Services Administration, 493-2538.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 17, 1993
Rosemary Carr
Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

WAC 388-15-820 Medicaid personal care services—

Definitions. (1) "Applicant" means a person applying for Medicaid personal care services.

(2) "Client" means a person determined eligible for Medicaid personal care services.

(3) "Community residence" means a:

(a) ~~((A))~~ Client's own home, whether in a building owned or rented by the client;

(b) ~~((A))~~ Licensed adult family home under department contract;

(c) ~~((A))~~ Licensed boarding home under department contract;

(d) ~~((A))~~ Licensed children's foster family home; ~~((or))~~

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

(f) Shared living arrangement where two or more adults share expenses and reside together in one of the adult's residences with common facilities, such as living, cooking, and eating areas.

(4) "Direct personal care services" means assistance with tasks involving direct client care which are directly related to the client's medical condition. Such assistance is limited to allowable help with the tasks ~~((listed under subdivisions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of this subsection))~~ of ambulation, bathing, body care, dressing, eating, essential shopping, personal hygiene, positioning, self-medication, toileting, transfer, and travel to medical services as defined under WAC 388-15-202. ~~((The type of help allowable for each task shall not include assistance that must be provided only by a licensed health professional.~~

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

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

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

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

(e) "Toileting" means assistance with bladder or bowel problems. Toileting includes supervising a client when able to care for own toileting needs if guided, helping the client to and from the bathroom, assisting with bedpan routines, diapering and lifting client on and off the toilet. Toileting may include performing routine peri/colostomy/catheter

~~tasks, for the client when client is able to supervise the activities.~~

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

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

(h) "Positioning" means assisting a client to assume a desired position. Positioning includes assistance in turning and positioning to prevent secondary disabilities, such as contractures and balance deficits.

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

(j) "Body care" means assisting a client with exercises, skin care including the application of ointments or lotions, changing dry bandages or dressings not requiring professional judgment. Body care excludes foot care beyond washing of feet and filing toenails. Body care excludes foot care for a client who is diabetic or has poor circulation. Body care excludes changing bandages or dressings when sterile procedures are required. Provision of body care tasks is limited. The client must be able to supervise the provision of these tasks.

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

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

(5) "Handicapping condition" means a medical condition which causes a functional impairment in activities of daily living.

(6) "Household assistance" means assistance with incidental household ~~((services))~~ tasks provided as an integral, but subordinate part of the personal care furnished directly to a client. Household assistance shall be considered an integral part of personal care when such assistance is directly related to a medical condition ~~((or to a service)),~~ is reflected in the client's service plan, and is ~~((furnished along with a))~~ provided only when a client is assessed as needing personal care assistance with one or more direct personal care ~~((service))~~ tasks. ~~((The department shall not authorize household assistance as a Medicaid personal care task in an~~

adult family home, licensed boarding home, children's foster family home, or children's group care facility.

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

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

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

(d) "Wood supply" means splitting, stacking, or carrying wood for a client and used as the sole source of fuel for heating and/or cooking. This task is limited to splitting, stacking, or carrying wood the client has at own home. Using a chain saw or felling trees is not allowable. Incidental household tasks are limited to housework, laundry, meal preparation and wood supply as defined under WAC 388-15-202.

(7) "~~(Immediate family member)~~ Legally responsible relative" means a ~~((client's husband or wife,))~~ spouse for a spouse, or a parent~~((, or))~~ of a minor child.

(8) "Medicaid personal care services" means medically-oriented tasks, directed at a client or the client's immediate environment, that are necessitated by the client's handicapping condition. Such services shall be:

(a) Based on an assessment of applicant/client needs;

(b) Provided in conformance with a service plan ordered by a client's attending physician;

(c) Reviewed by a registered nurse at least every ninety days;

(d) Performed by qualified and trained personal care aides, excluding ~~((members of a client's immediate family))~~ a legally responsible relative;

(e) Services shall be provided in a ~~((clients [client's]))~~ client's own home when the client is present in the home.

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

(10) "Personal care aide" means a person meeting the qualification and training requirements established by the department and providing direct personal care services to a client. This person may be an employee of a qualified agency provider or may be under contract as a qualified individual provider.

(11) "Personal care assistance" means hands-on assistance with personal care tasks which requires action by the provider beyond cueing, prompting, reminding, or supervising.

(12) "Personal care provider" means a qualified agency provider or a qualified individual provider who is not a ~~((member of a clients [client's] immediate family))~~ legally responsible relative of the client and is under department contract to provide Medicaid personal care services.

~~((12))~~ (13) "Personal care service plan" means a plan which is:

(a) Developed by the department and the client or client's representative in cooperation with appropriate community agency staff;

(b) Written and describes the personal care services which will be provided, frequency of provision, and expected outcomes;

(c) Ordered by a client's attending physician.

~~((13))~~ (14) "Physician" means a doctor of medicine, osteopathy or podiatry, as defined under WAC 388-80-005~~((54))~~(52), or a client's Christian Science practitioner.

~~((14))~~ (15) "Physician's order" means written approval by a client's attending physician of the specific personal services to be provided to the client.

~~((15))~~ (16) "Qualified agency provider" means a community agency which applied for licensing as a home care agency or home health agency.

~~((16))~~ (17) "Qualified individual provider" means a person meeting the individual provider qualifications established by the department.

~~((17))~~ (18) "Supervision" means ~~((being available to:~~

(a) Help a client with personal care tasks that cannot be scheduled (toileting, ambulation, transfer, positioning, some medication assistance); and/or

(b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment) unscheduled help with personal care tasks or protective supervision as defined under WAC 388-15-202, and is provided only when a client is assessed as needing personal care assistance with one or more direct personal care tasks.

AMENDATORY SECTION (Amending Order 2856, filed 8/29/89, effective 9/29/89)

WAC 388-15-830 Medicaid personal care services—Eligibility. (1) The department shall provide Medicaid personal care services to ~~((an individual))~~ a person:

(a) Certified as a Title XIX categorically needy medical assistance client; ~~((and))~~

(b) Programmatically eligible; that is, due to a ~~((handi-eapped))~~ handicapping condition, is determined to need personal care assistance with one or more direct Medicaid personal care ~~((services))~~ tasks to remain in a community residence; ~~((and))~~

(c) Residing in own residence, in a licensed and contracted adult family home, a licensed boarding home under department contract, a children's foster family home, or a children's group care facility; and

(d) With a physician's order approving provision of specific personal care services.

(2) A person's eligibility for Medicaid personal care services shall begin upon date of the department's service authorization.

(3) The department shall not authorize chore services or adult family home add-on services to ~~((an individual))~~ a

person qualifying for Medicaid personal care services when the ~~((individual's))~~ person's service needs are met within the scope of the Medicaid personal care program.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

WAC 388-15-840 Medicaid personal care services—Assessment—Authorization. (1) ~~((The))~~ Department staff shall ~~((provide an))~~ perform a person's assessment ~~((of an individual applying for, or being referred for, Medicaid personal care services.~~

~~((2))~~ The department shall use the approved assessment form in an interview with an applicant documenting:

~~((a))~~ The applicant's functional capability to perform personal care tasks essential to health or safety;

~~((b))~~ Current and potential care contributions by formal and informal supports available to an applicant;

~~((c))~~ An applicant's preference for how care is provided)) or use assessment information received which has been administered as required under WAC 388-15-202 through 388-15-205.

~~((3))~~ (2) When ~~((children are))~~ a child is assessed, the assessor shall consider the personal care applicant's age in determining if the degree of personal care needed is appropriate to the child's age, or as the result of the applicant's functional impairment. The assessor shall only assess need for personal care services ~~((shall only be assessed for needs))~~ exceeding the level of age appropriate personal care.

~~((4))~~ (3) The assessor shall perform an assessment ~~((and))~~ or reassessment ~~((shall be performed))~~ within the department-established time frames.

~~((5))~~ (4) The department shall be responsible for authorizing Medicaid personal care services.

~~((6))~~ The number of hours authorized shall be based on an applicant/client's need for assistance with Medicaid personal care tasks as determined through)) (5) For each task listed on the assessment ~~((process. Points))~~ form, the department staff shall ~~((be awarded for each task according to))~~ determine the degree of assistance needed ~~((and the point total shall be converted into maximum allowable hours))~~ as required under WAC 388-15-203.

~~((7))~~ (6) A client's attending physician shall review and reauthorize the client's service plan at least once every twelve months.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

WAC 388-15-850 Medicaid personal care services—Nurse oversight. (1) A registered nurse shall visit a client at least once every ninety days not to exceed four visits in any one year period to:

(a) Review the client's medical and ~~((and))~~ mental condition;

(b) Review the service plan determining if revisions ~~((are))~~ may be required and, if so, recommend revisions;

(c) Review the client's need for continued care;

(d) Assess the quality of personal care services received; and

(e) Assess the personal care provider's need for additional training.

(2) The registered nurse shall document the result of ~~((an))~~ the nurse's oversight visit on the department-prescribed form.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

WAC 388-15-860 Medicaid personal care services—Personal care aide qualifications. ~~((1))~~ The department shall:

~~((a))~~ (1) Define minimum qualifications for a personal care aide and require an aide meet the qualifications;

~~((b))~~ (2) Define minimum orientation and training requirements for a personal care aide and require documentation stating minimum requirements are met; ~~((e))~~ and

(3) List definitions for minimum qualifications and training requirements for a personal care aide ~~((shall be contained))~~ in the department's field manual for Medicaid personal care.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

WAC 388-15-870 Medicaid personal care services—Service provision system. (1) Area agencies on aging shall contract with qualified agency providers to perform Medicaid personal care services at the department-established rate.

(2) DCFS shall contract with qualified agency providers to perform Medicaid personal care services for children in foster/group homes, their own homes, or relative placement at the department-established rates.

(3) The department may contract with Indian tribes who meet qualifications to provide Medicaid personal care services at the department-established rates.

(4) Area agencies on aging shall provide or contract for registered nurse oversight for Medicaid personal care services.

~~((3))~~ (5) The department shall contract with area agencies on aging to assume the ~~((above))~~ responsibilities as described under subsections (1) and (4) of this section.

~~((4))~~ (6) The department shall contract with a qualified individual provider to perform Medicaid personal care services at the department-established rate.

~~((5))~~ (7) Agency providers shall deliver services to ~~((an))~~ adult clients in the clients' own residences unless the personal care service plan exceeds eighty-five hours per month. An individual provider may deliver services to a child in the child's own residence regardless of the hours authorized. A client shall have freedom of choice in selecting a qualified agency provider.

~~((6))~~ (8) An individual provider under contract with the department shall deliver services to a client in the client's own residence when the personal care service plan exceeds eighty-five hours per month. Clients shall have freedom of choice in selecting a qualified individual provider.

~~((7))~~ (9) Adult family home (AFH) ~~((sponsors))~~ providers or ~~((licensed))~~ boarding home staff shall provide services to clients in ~~((an))~~ a licensed and contracted AFH or ~~((licensed))~~ boarding home. Foster parents or group care facility staff shall provide services to children in a foster family home or group care facility as defined in WAC 388-73-014(8). Clients shall have freedom of choice in selecting

a licensed and contracted AFH or boarding home, provided the AFH or boarding home can meet their personal care needs.

AMENDATORY SECTION (Amending Order 3264, filed 10/8/91, effective 11/8/91)

WAC 388-15-880 Payment and authorization. Payment and authorization.

(1) In the individual provider program, the department pays ~~((an hourly))~~ the department established rate directly to the service provider. No in-home personal care service plans shall authorize services by an individual provider unless the service need exceeds eighty-five hours per month.

(2) In the contracted program, the department pays the contractor who pays the service provider.

(3) The department shall establish rates paid for the provision of Medicaid personal care ~~((shall be established by the department))~~. Current maximum rates shall be contained in the departments social service payment system appendices A, E, and C.

(4) No contractor shall pay service providers performing Medicaid personal care services less than five dollars and fifteen cents per hour.

(5) Authorizations for Medicaid personal care in an adult family home in a childrens foster/group home, or for children residing in their own homes shall not exceed sixty hours of service per month.

(6) Authorizations for Medicaid personal care in a licensed boarding home under department contract shall not exceed thirty hours of service per month.

(7) ~~The department shall not make payment ((shall not be made))~~ for services provided exceeding the department's authorization.

NEW SECTION

WAC 388-15-890 Medicaid personal care services—Program limitations. (1) The department shall not authorize Medicaid personal care services for:

(a) Teaching, including teaching clients how to perform personal care tasks or other community living skills;

(b) Personal care services provided over the telephone, or at a site other than the client's residence, except for the tasks of laundry, travel to medical services, and essential shopping;

(c) Developing social, behavioral, recreational, communication, or other types of skills;

(d) Cleaning areas of the home not occupied by the client, laundering clothing or bedding for someone other than the client, and shopping for groceries or household items not required specifically for the health and maintenance of the client;

(e) Direct personal care tasks, household assistance, or supervision as defined under WAC 388-15-202, unless the client is assessed as needing personal care assistance with one or more direct personal care tasks; and

(f) Companionship.

(2) The department shall adjust payment for services according to department established rates which take into account the common household tasks of essential shopping, meal preparation, laundry, housework, and wood supply when:

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

(b) The client is sharing living arrangements.

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

(4) The type of help allowable for each personal care task shall not include assistance that must be provided only by a licensed health professional.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 93-07-072
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed March 17, 1993, 3:31 p.m.]**

Original Notice.

Title of Rule: WAC 388-28-485 Use of income and income potentials—Parental income and support.

Purpose: This rule amendment prescribes the correct treatment of the income of a parent under sanction for refusal or failure to participate with JOBS program requirements. Incorporates a cross-reference to WAC 388-47-210 JOBS program—Sanctions for refusal or failure to participate.

Statutory Authority for Adoption: RCW 74.04.055.

Statute Being Implemented: RCW 74.04.055.

Summary: Incorporates a cross-reference to WAC 388-47-210 into WAC 388-28-485 to prescribe the correct treatment of the income of a parent under sanction for refusal or failure to participate with JOBS program requirements.

Reasons Supporting Proposal: Includes a cross-reference to the treatment of the income of custodial parents who are not included in the assistance unit because of noncompliance with department policies with a reference to WAC 388-47-210 for parents who are not cooperating with JOBS requirements.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Steve Ebben, Division of Income Assistance, 438-8311.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social

and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 17, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-28-485 Use of income and income potentials—Parental income and support. (1) Support payments made by or in behalf of an absent parent are income to the child~~((ren))~~ and are to be treated in accordance with WAC 388-14-210.

(2) When the custodial parent is not included in the assistance unit because of noncompliance with WAC 388-24-108 ~~((and))~~, 388-24-109, or 388-47-210:

(a) The income of such parent~~((s))~~ is allocated according to WAC 388-28-560(2).

(b) Support payments paid directly to the parent and not forwarded to the office of support enforcement are:

(i) Income to the child~~((ren))~~; and ~~((are))~~

(ii) To be taken into account in determining the need of the assistance unit.

**WSR 93-07-073
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed March 17, 1993, 3:32 p.m.]

Original Notice.

Title of Rule: Chapter 388-51 WAC, Job opportunities and basic skills training program child care and other work-related supportive services and transitional child care.

Purpose: Amend editorial changes and revise the transitional child care rules as the result of federal clarification of the Family Support Act, which implements the program, and other changes representing state policy.

Statutory Authority for Adoption: Family Support Act, P.L. 100-485, SHB 1330, section 211, chapter 16, Laws of 1991.

Statute Being Implemented: Family Support Act, P.L. 100-485, SHB 1330, section 211, chapter 16, Laws of 1991.

Summary: Most changes are editorial, although some changes to transitional child care program are the result of federal clarification of the Family Support Act of 1988. Other changes represent changes in state policy.

Reasons Supporting Proposal: Implements revisions to assistance child care program. Incorporated rules regarding JOBS child care, and revisions to the transitional child care program. WAC 388-51-180 and 388-51-260 are new sections regarding overpayments that are mandated by the federal Family Support Act of 1988.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Rachael Langen, 438-8278 and RosaMaria Espinoza, 438-8277, Division of Income Assistance.

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

Rule is necessary because of federal law, 45 CFR Chapter 11, Part 255 and Part 256.

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 27, 1993.

March 17, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3126, filed 12/31/90, effective 1/31/91)

WAC 388-51-020 Definitions. Except as specified in this chapter, terms used under chapter 388-51 WAC shall have the same meaning applied to the AFDC program, ~~((and))~~ as terms defined under chapters 388-22 WAC and 388-29, and to the JOBS program ~~((set forth))~~ under chapter 388-47 WAC.

(1) "Able" means physically and/or mentally capable of caring for a child in a responsible manner.

(2) "Applicable standards" means standards and practices related to child care under chapter 388-73 WAC or, in the case of a tribal JOBS program, tribal law.

~~((2))~~ (3) "Child care overpayment" means any child care payment received by or for an assistance unit for a month which exceeds the amount the unit was eligible to receive.

(4) "Co-payment" means the computed amount which the parent pays toward the child's cost of care.

(5) "JOBS" means the job opportunities and basic skills training program for eligible AFDC families which assists obtaining education, training, and employment needed to avoid long-term welfare dependence.

(6) "Support services" means child care, and other services provided for under federal law, that may be required enabling an AFDC applicant or recipient to pursue employment, education, and training under chapter 388-47 WAC.

AMENDATORY SECTION (Amending Order 3126, filed 12/31/90, effective 1/31/91)

WAC 388-51-040 Assurances and responsibilities under JOBS, income assistance, and transitional child care. (1) The department shall assure:

~~((1))~~ (a) Supportive services needed to enable a participant with an approved employability plan to participate in accordance with that approved plan in the JOBS program;

~~((2))~~ (b) Child care services meet applicable standards of state or tribal law as described under WAC 388-15-170(8);

~~((3))~~ (c) An entity providing child care allows parental access;

~~((4))~~ (d) The child's individual needs are taken into account when the department provides or arranges for child care and other supportive services; and

~~((5))~~ (e) Child care provided or claimed for payment is related to a person's JOBS program participation or employment hours.

(2) The department shall:

(a) Inform applicants or recipients about child care and supportive services available under this chapter;

(b) Respond to requests for child care services within a reasonable period of time;

(c) Inform applicants or recipients of the types and locations of child care services available to help them select child care services;

(d) Inform applicants or recipients of the child care options for which the department can make payment as described under WAC 388-51-110. The department shall:

(i) Provide information on transitional child care to all families terminating from AFDC; and

(ii) Include information on how to request transitional child care in the informational material provided to families terminating from AFDC.

(e) Inform applicants or recipients of their rights and responsibilities in relation to child care and support services;

(f) Provide timely child care payments to the provider; and

(g) Provide advance and adequate notice to recipients of reduction, suspension, or termination of child care benefits.

(3) The recipient shall:

(a) Choose the provider and make the child care arrangements;

(b) Immediately notify the department of any change in providers;

(c) Pay the in-home care giver when the department pays the applicant or recipient for in-home care;

(d) Pay any required co-payment;

(e) Supply the department with necessary information to allow payment to the authorized provider; and

(f) Immediately notify the provider when the department discontinues or changes the child care authorization.

(4) The provider shall provide:

(a) Parental access;

(b) Constant supervision of a child under care throughout the time such person is the provider;

(c) Developmentally appropriate activities for a child under provider's care; and

(d) Access to attendance records by appropriate state and federal government representatives.

(5) The provider shall meet licensing and contracting requirements as required under chapters 388-150 and 388-155 WAC.

AMENDATORY SECTION (Amending WSR 92-08-033, filed 3/24/92, effective 4/24/92)

WAC 388-51-110 (~~((Jobs and))~~) **JOBS, income assistance, and transitional child care programs.** (1) The department shall guarantee child care by:

(a) Paying providers for center care or family day care ~~((if))~~ when the provider is:

(i) Licensed under chapter 74.15 RCW and either chapters 388-73, 388-150, or 388-155 WAC;

(ii) Exempt from licensure under chapter 74.15 RCW and chapters 388-73, 388-150, or 388-155 WAC;

(iii) A tribal day care center (~~((which meets))~~) meeting the requirements of tribal law and ~~((is))~~ certified by the department; ~~((or))~~

(iv) A child care facility, certified by the department, on a military installation; or

(v) A child care facility operated on public school property by a school district.

(b) Paying the recipient for in-home care provided the care taker meets the requirements ~~((as))~~ as described under WAC 388-15-170 ~~((6;))~~ (7)(~~(;))~~ and (8) ~~((are met))~~. In-home care shall include care given in the child's home ~~((of the recipient;))~~ or in a relative's home if the relative is:

(i) An adult sibling living outside the child's home ~~((;))~~; or

(ii) Grandparents, aunts, uncles, or first cousins ~~((;))~~.

(c) Allowing the dependent care earnings disregard for employed AFDC recipients. The department shall allow a disregard when the household:

(i) Received AFDC on October 13, 1988, based on application of the dependent care disregard, and has remained continuously eligible for grant assistance since that time. Such households shall have the option to use the disregard or state-paid child care;

(ii) Was employed on September 30, 1991, and has not ~~((yet been))~~ converted to the state-paid, child care system; or

(iii) Is subject to retrospective budgeting and is converting to state-paid child care. ~~((For such cases))~~ When the household incurred child care costs in the corresponding budget month, the department shall allow both state-paid, child care and a child care earnings disregard for the month of conversion and the month thereafter ~~((if the household incurred child care costs in the corresponding budget month)).~~

(2) Within the child care guarantee of this section, the department shall authorize payment for child care to allow:

(a) An AFDC applicant or recipient to participate in:

(i) JOBS orientation or assessment;

(ii) Job search that is part of an approved employability plan under chapter 388-47 WAC; or

(b) ~~((A))~~ An AFDC recipient to participate in:

(i) Work-related barrier removal activities, as approved by the department for participation in employment or activities under chapter 388-47 WAC;

(ii) Education or training or other component activity that is part of an approved employability plan under chapter 388-47 WAC; or

(iii) Employment, either to accept or maintain.

(c) A family eligible for transitional child care to participate in employment activities.

(3) The department shall take the individual needs of the child into account.

(4) The department shall not guarantee child care for two-parent households where one parent is able and available to care for the children. See "able" ~~((is))~~ as defined ~~((as physically and/or mentally capable of caring for children in a responsible manner))~~ under section 020 of this chapter.

AMENDATORY SECTION (Amending WSR 92-08-033, filed 3/24/92, effective 4/24/92)

WAC 388-51-115 (~~((Jobs and))~~) **JOBS, income assistance, and transitional child care programs—Eligible children and recipients.** (1) The department shall authorize necessary child care if the dependent child is:

(a) Included in the same assistance unit as the recipient; or

(b) For transitional child care, meets the requirements of WAC 388-51-170(4); or

(c) Included in the household, but is not in the recipient's assistance unit because the child is receiving SSI benefits or foster care benefits under Title IV-E of the Social Security Act; and

~~((e))~~ (d) Twelve years of age or younger; or

~~((f))~~ (e) Physically or mentally (including emotionally) incapable of self-care, as verified by a licensed medical practitioner or licensed or certified psychologist; or

~~((g))~~ (f) Under court supervision.

(2) The department shall not authorize child care to a recipient not included in the assistance unit because the recipient is:

(a) An undocumented alien;

(b) A recipient of SSI; or

(c) A nonneedy relative.

(3) The department shall authorize JOBS and income assistance child care to employed recipients not included in the assistance unit due to a sanction with children meeting the requirements of subsection (1) (~~((above))~~) of this section.

AMENDATORY SECTION (Amending WSR 92-08-033, filed 3/24/92, effective 4/24/92)

WAC 388-51-120 (~~((Jobs and))~~) **JOBS, income assistance, and transitional child care program—Payment.** (1) The department's payment for child care shall not exceed the local market rate for child care. The department shall establish the market rate based on representative samples of local child care providers.

(2) The child care rates shall be as published by the department.

(3) The department's payment for child care shall:

(a) Relate to a person's hours of participation under chapter 388-47 WAC or hours of employment; and

(b) Include transportation time between the place of employment or participation site for activity under chapter 388-47 WAC and the child care provider.

(4) The department may authorize child care payments for JOBS or income assistance child care for up to two weeks for a person waiting to enter education or training, or other component activity approved under chapter 388-47 WAC, or employment.

(5) The department may authorize JOBS, income assistance, or transitional child care for a period not to exceed one month when:

(a) Child care arrangements would otherwise be lost; and

(b) The component activity or employment is scheduled to begin within that period.

(6) The department may pay for initial one-time fees for registration or equipment which are required by an authorized child care provider if such fees are:

(a) Required of all parents whose (~~((children are))~~) child is in care; and

(b) Needed to maintain a child care arrangement.

(7) The department shall not pay ongoing annual registration fees.

(8) Notwithstanding WAC 388-51-110 (1)(b), the department may establish a protective payee due to mismanagement (~~((#))~~) when the recipient fails to pay the in-home care provider when:

(a) The department has issued a child care warrant (~~((has been issued))~~) to the correct address and (~~((it has been))~~) twelve or more working days have passed since the issuance date; and

(b) The recipient has not reported the warrant lost, stolen, or destroyed.

AMENDATORY SECTION (Amending WSR 92-08-033, filed 3/24/92, effective 4/24/92)

WAC 388-51-123 (~~((Jobs and))~~) **JOBS, income assistance, and transitional child care programs—Effective dates.** (1) The department shall authorize JOBS and income assistance child care for:

(a) Orientation or assessment, to coincide with participation in orientation or assessment provided the household has applied for assistance;

(b) Employment, to coincide with the start of employment or the date of eligibility for assistance, whichever is later, so long as the employment is timely reported by the eighteenth day of the process month. If the employment is not timely reported, the effective date for child care benefits shall be the date of request for child care;

(c) Other approved activities, to coincide with the date of request for child care or the (~~((start of))~~) date the activity commenced or was approved, whichever is later.

(2) The department shall authorize transitional child care for eligible families as required under WAC 388-51-155(3).

(3) The department (~~((is required to))~~) shall provide timely notice to recipients for changes in payment when the change results in a discontinuation, suspension, reduction, termination, or forces a change in child care arrangements:

(a) Except, as required under WAC 388-51-120 (4) and (5), the department shall terminate child care benefits to coincide with the termination of a component activity or assistance, provided timely notice for the change in child care has been given; and

(b) Timely notice requirements shall not apply for other changes in the manner of payment.

AMENDATORY SECTION (Amending WSR 92-08-033, filed 3/24/92, effective 4/24/92)

WAC 388-51-130 **Income assistance and transitional child care programs—Effect on eligibility and payments.**

(1) Except as provided under WAC 388-28-570 (6)(a)(iv), 388-51-110 (1)(c), and subsections (2) and (3) of this section, the department shall determine AFDC eligibility and payment amounts without the dependent care disregard for households subject to the income assistance child care program.

(2) The department shall determine payment amounts with the dependent care disregard for households receiving

both state-paid child care and the earnings disregard for the month of conversion and the month thereafter.

(3) ~~((The department shall determine eligibility and payment amounts for the month of application as provided under WAC 388-51-110 (1)(c)(iv)))~~ When eligible, an employed applicant's eligibility for income assistance child care starts with the first day of AFDC eligibility.

(4) The department shall not consider the child care benefits provided under this chapter as income or resources when determining AFDC, food stamp program eligibility, or payment amount. Income received as a child care provider shall be treated according to the requirements under chapters 388-28 and 388-49 WAC.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending WSR 92-08-033, filed 3/24/92, effective 4/24/92)

WAC 388-51-135 ~~((Jobs and))~~ **JOBS, income assistance, and transitional child care—Hearings.** (1) Applicants ~~(/)~~ or recipients shall be entitled to fair hearings under chapter 388-08 WAC on any action affecting child care benefits except for changes resulting from a change in policy or law.

(2) Recipients of JOBS and income assistance child care payments shall not be eligible for continued child care benefits pending the outcome of a fair hearing.

(3) Recipients of transitional child care benefits are eligible for continued benefits pending the outcome of a fair hearing. Continued benefits may not extend beyond the family's twelve-month eligibility period.

NEW SECTION

WAC 388-51-155 Transitional child care—Purpose and initial eligibility. (1) The department shall:

(a) Guarantee transitional child care to families who become ineligible for AFDC as described under subsection (2) of this section; and

(b) Permit such AFDC-ineligible families to accept or retain employment.

(2) A family shall be eligible for transitional child care provided the family:

(a) Is ineligible for AFDC due to increased hours of, or increased income from, employment or the loss of income disregards due to time limitations;

(b) Received AFDC in three or more of the six months immediately preceding the first month of ineligibility; and

(c) Request orally or in writing transitional child care benefits and provides the information necessary for determining eligibility and fees.

(3) A family's eligibility for transitional child care shall begin with the first month the AFDC family is ineligible for AFDC for reasons described under subsection (2) of this section, and shall continue for a period of twelve consecutive months.

(4) Families may begin receiving child care in any month during the twelve-month eligibility period. The department shall allow retroactive benefits for child care paid

by an eligible family during this twelve-month period when the:

(a) Provider meets requirements as described under WAC 388-51-110(1); and

(b) Family requests benefits during the twelve-month period.

NEW SECTION

WAC 388-51-160 Transitional child care—Co-payment. (1) The caretaker relative shall contribute to the transitional child care cost based on the family's ability to pay according to a sliding scale based on the AFDC need standard as described under WAC 388-29-001(15) and 388-29-100(1).

(a) Families with gross income, at or below one hundred percent of the needs standard, shall contribute five dollars per month toward the transitional child care cost.

(b) Families with gross income exceeding one hundred percent of the needs standard shall contribute toward the transitional child care cost at the rate of twenty-five percent of the income exceeding one hundred percent of the needs standard, but not less than five dollars per month.

(c) In computing the effects of income on transitional child care co-payment levels, AFDC rules as described under chapter 388-28 WAC shall apply.

(d) The department shall calculate co-payments for the transitional child care total cost without regard to the number of children receiving care.

(2) The department shall calculate co-payments:

(a) At the time of the initial eligibility determination;

(b) When monthly income decreases; and/or

(c) When household size increases.

(3) A person failing to pay the required co-payment shall be subject to termination as required under WAC 388-51-170 (1)(c).

(4) A family shall pay the co-payment for transitional child care directly to the child care provider.

NEW SECTION

WAC 388-51-170 Transitional child care—Ongoing eligibility. (1) A family's eligibility for transitional child care ceases to exist for a remaining portion of the twelve-month period when the caretaker relative:

(a) Terminates employment without good cause. Good cause for failure to retain employment includes, but is not limited to:

(i) Physical, mental, or emotional inability to perform the required activity;

(ii) Court-ordered appearance or temporary incarceration;

(iii) Family or individual emergency or crises;

(iv) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(v) Inclement weather preventing a person and others similarly situated from traveling to, or participating in, the prescribed employment;

(vi) The nature of the employment is hazardous to the individual;

(vii) The employment wages do not meet minimum wage standards or are not customary for the work in the community;

- (viii) The employment was obtained due to a vacancy caused by a labor dispute;
- (ix) Refusal to accept major medical treatment needed to continue employment, for example, major surgery;
- (x) Refusal to continue employment when the wages, less mandatory payroll deductions and necessary work-related expenses, do not equal or exceed the family's AFDC cash benefit;
- (xi) Illness or incapacity of another household member requiring the caretaker relative's care; or
- (xii) Child care problems and/or loss of a child care provider.

- (b) Fails to cooperate with the department in establishing and enforcing child support obligations;
- (c) Fails to pay required co-payment fees; or
- (d) Child is no longer dependent, except for deprivation by unemployment.

(2) A family's eligibility for child care shall be reinstated only when:

- (a) The caretaker relative loses a job with good cause and finds another job, the department may qualify the family for the remaining portion of the twelve-month eligibility period; or
 - (b) Back co-payment fees are paid or satisfactory arrangements are made to make full payments.
- (3) Siblings of children eligible for transitional child care, if needy and otherwise eligible, who enter or return to a household, shall be eligible to receive transitional child care benefits.

(4) The department shall not consider transitional child care benefits as income or resources when determining AFDC or food stamp program eligibility or payment amount. Income received as a child care provider shall be treated according to chapters 388-28 and 388-49 WAC.

NEW SECTION

WAC 388-51-180 Child care overpayments. (1) In those areas not expressly covered under WAC 388-51-180, recipients of JOBS, income assistance, and/or transitional child care benefits shall be subject to and covered by chapter 388-44 WAC.

- (2) The department shall include, but not limit a child care overpayment to:
 - (a) Vendor payments for child care provided during a period when a child was not eligible for public assistance;
 - (b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client;
 - (c) Payments made during the ten-day advance notice period when the client is ineligible for payment; and
 - (d) Continued payments received by the recipient because the appropriate ten-day advance period extends into the next month.
- (3) The department shall calculate the amount of the child care overpayment based on the amount of child care payment the client or the child care provider receives for which the assistance unit was not entitled.
- (4) When establishing an overpayment, the department shall reduce any child care overpayment by the amount of any child care underpayment where applicable.
- (5) The department shall recover overpayments from:
 - (a) The assistance unit which was overpaid;

- (b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or
 - (c) Any member of the overpaid assistance unit whether or not currently a recipient.
- (6) When a provider has claimed payment for child care services not provided, the department shall establish the overpayment in the provider's name.
- (7) The department shall attempt recovery of an overpayment in all cases:
 - (a) Of fraud;
 - (b) Involving current recipients of child care benefits; and
 - (c) Where cost of recovery exceeds the overpayment amount.
- (8) In recovering overpayments from a family currently receiving child care benefits, the department shall consider a family's income level and financial obligations, including household expenses, when determining repayment requirements. Such families shall retain a reasonable amount of funds to meet the needs of the assistance unit.
- (9) The department may only make recovery of child care overpayments from current Title IV-A child care recipients from child care benefits. Recovery may not interfere with child care arrangements.
- (10) The department may make any recoveries of child care overpayments from AFDC benefit payments only on a voluntary request from a family receiving AFDC benefits.
- (11) The department shall recover overpayments from families no longer receiving child care payments as required under WAC 388-44-150.

NEW SECTION

WAC 388-51-210 Other supportive services. The department and the JOBS contractor may provide other supportive services payment or reimbursement for other supportive services expenses enabling a person to participate in the JOBS program.

- (1) The expenditures for a participant's supportive services shall be subject to maximum limits set by the contractor.
- (2) Supportive services shall be as outlined in the JOBS supportive services state plan and shall include but not be limited to:
 - (a) Transportation costs;
 - (b) Tools and equipment;
 - (c) License fees, including union initiation fees and licenses required by law, employer, or union for participation in JOBS or employment; and
 - (d) One-time work-related expenses necessary for a participant to accept or maintain employment. These expenses shall be allowed only when:
 - (i) The participant has a bona fide job expected to last thirty days or more;
 - (ii) Other funds are not available; and
 - (iii) Such expenses are required for the type of work.

NEW SECTION

WAC 388-51-250 Transitional supportive services.
The department or the contractor may provide transitional supportive services, as outlined in the JOBS supportive services state plan, to a JOBS participant who loses eligibility for AFDC.

(1) Services provided within thirty days following AFDC termination include, but are not limited to transportation, one-time work-related expenses, and social services; and

(2) Counseling services for job retention may be provided for up to ninety days following AFDC termination.

NEW SECTION

WAC 388-51-260 Supportive services overpayments.
(1) In those areas not expressly covered by WAC 388-51-260, it is the intent of the department that recipients of JOBS and/or transitional supportive services benefits be subject to and covered by chapter 388-44 WAC.

(2) "Supportive services overpayment" means any supportive service payment received by or for an assistance unit or JOBS participant that exceeds the amount the unit was eligible to receive.

(3) The amount of the supportive services overpayment shall be the amount of payment received by the assistance unit or vendor for which the assistance unit was not entitled.

(4) For current recipients of supportive services benefits, recovery of support services overpayments may be made only from support services benefits. Any recovery of an overpayment may be made from AFDC benefit payments only upon voluntary request from a family receiving AFDC benefits.

(5) Recovery of overpayments from families no longer receiving supportive services payments follow WAC 388-44-150.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 388-51-125 Jobs and income assistance child care program—Responsibilities.
- 388-51-150 Other supportive services.
- 388-51-200 Transitional supportive services.
- 388-51-300 Transitional child care.

**WSR 93-07-074
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed March 17, 1993, 3:33 p.m.]

Original Notice.

Title of Rule: WAC 388-86-200 Limits on scope of medical program services.

Purpose: Establish services not covered under the medical care programs.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.
Summary: Establishes a list of services not covered under the medical care programs.

Reasons Supporting Proposal: Establishes listed services not covered by the medical care programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 17, 1993

Rosemary Carr

Acting Director

Administrative Services

NEW SECTION

WAC 388-86-200 Limits on scope of medical program services. (1) The Medical Assistance Administration (MAA) shall pay for equipment, supplies, and services that are listed as covered in MAA published issuances, including Washington Administrative Code (WAC), billing instructions, numbered memoranda, and bulletins, and when the items or services are:

- (a) Within the scope of an eligible client's medical care program;
- (b) Medically necessary;
- (c) Within accepted medical, dental, or psychiatric practice standards and are:
 - (i) Consistent with a diagnosis; and
 - (ii) Reasonable in amount and duration of care, treatment, or service.
- (d) Not listed under subsection (2) of this section; and
- (e) Billed according to the conditions of payment under WAC 388-87-010.

(2) Unless required under EPSDT/healthy kids program; included as part of a managed care plan service package; included in a waived program; or part of one of the Medicare programs for the qualified Medicare beneficiaries, the MAA shall specifically exclude from the scope of covered services:

- (a) Nonmedical equipment, supplies, personal or comfort items and/or services, including, but not limited to:
 - (i) Air conditioners or air cleaner devices, dehumidifiers, other environmental control devices, heating pads;
 - (ii) Enuresis (bed wetting) training equipment;
 - (iii) Recliner and/or geri-chairs;

- (iv) Exercise equipment;
 - (v) Whirlpool baths;
 - (vi) Telephones, radio, television;
 - (vii) Any services connected to the telephone, television, or radio;
 - (viii) Homemaker services;
 - (ix) Utility bills; or
 - (x) Meals delivered to the home.
- (b) Services, procedures, treatment, devices, drugs, or application of associated services which the department or HCFA consider investigative or experimental on the date the services are provided;
- (c) Physical examinations or routine checkups;
- (d) Cosmetic treatment or surgery, except for medically necessary reconstructive surgery to correct defects attributable to an accident, birth defect, or illness;
- (e) Routine foot care that includes, but not limited to:
- (i) Medically unnecessary treatment of mycotic disease;
 - (ii) Removal of warts, corns, or calluses;
 - (iii) Trimming of nails and other hygiene care; or
 - (iv) Treatment of asymptomatic flat feet.
- (f) Items or services covered by workers' compensation law;
- (g) More costly services when less costly equally effective services as determined by the department are available;
- (h) Procedures, treatment, prosthetics, or supplies related to intersex surgery;
- (i) Care, testing, or treatment of infertility, frigidity, or impotency. This includes procedures for sterilization reversals and donor ovum, sperm, or womb;
- (j) Acupuncture, massage, or massage therapy;
- (k) Orthoptic eye training therapy;
- (l) Weight reduction and control services not provided in conjunction with a MAA medically approved program. This includes food supplements and educational products;
- (m) Parts of the body, including organs tissues, bones, and blood;
- (n) Blood and eye bank charges;
- (o) Domiciliary or custodial care, excluding nursing facility care;
- (p) Hair pieces, wigs, or hair transplantation;
- (q) Biofeedback or other self-help care;
- (r) Home births;
- (s) Marital counseling or sex therapy; and
- (t) Any service specifically excluded by statute.
- (3) Clients shall be responsible for payment as described under WAC 388-87-010 for services not covered under the client's medical care program.

WSR 93-07-075**PROPOSED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed March 18, 1993, 9:40 a.m.]

Original Notice.

Title of Rule: WAC 388-49-120 Application disposition.

Purpose: This rule amendment allows the department to deny food stamp benefits when an applicant fails to submit requested information within the ten-day time frame. If the client provides the information within the initial 30-day period, benefits are issued from the date of application. If the client provides information by the end of the second thirty-day period, benefits are issued from the date the household furnishes the information.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: Revision implements a waiver request allowing the department to deny food stamp benefits when a client fails to submit requested information.

Reasons Supporting Proposal: To revise WAC 388-49-120 to implement a waiver request.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dana Beck, Division of Income Assistance, 438-8308.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 18, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3195, filed 7/1/91, effective 8/1/91)

WAC 388-49-120 Application disposition. (1) The department shall provide a household which completes the initial application process an opportunity to participate no later than thirty days following the date the application was filed.

(2) The department shall consider the date the application is filed as the date the:

(a) Application is received in the correct community services office (CSO) except for conditions described under subsection (2)(b) and (c) of this section; or

(b) Application is received in the Social Security Administration District Office (SSADO) from a noninstitutionalized household consisting solely of persons applying, or eligible, for Supplemental Security Income (SSI); or

(c) Applicant is released from a public institution when the person applied for SSI and food stamps through the SSADO before release.

(3) The department shall send a written approval or denial notice to all applicants as soon as a determination of

eligibility and benefit level is made based on documentary evidence provided by the applicant. Such written notice shall be issued no later than thirty days after the date the application is filed.

(4) The department shall send a ~~((written))~~ denial notice ~~((on the thirtieth day))~~ after ~~((the date the application is filed))~~ ten days when the household fails to respond to a written request for documentary evidence ~~((is not provided to make an))~~ to establish eligibility ~~((determination))~~.

(a) If the household provides requested documentary evidence by the end of the initial thirty-day period, the department shall issue an eligible household benefits, from the date of application.

(b) If the household provides requested documentary evidence by the end of the second thirty-day period, the department shall issue an eligible household benefits, from the day the household furnished missing verification.

(5) The department shall send the denial notice on the last working day before the thirtieth day when the thirtieth day falls on a weekend or a holiday.

(6) The department shall delay the written notice until the thirtieth day when the household has been denied food stamps with an eligibility decision pending for AFDC or SSI.

(7) The household may voluntarily withdraw the application any time before the eligibility determination.

WSR 93-07-081
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 18, 1993, 3:15 p.m.]

Original Notice.

Title of Rule: WAC 230-02-270 Punchboard defined; 230-25-160 Pull tabs at fund raising events—Operational requirements—Limitations; and 230-30-060 Punchboard restrictions.

Purpose: WAC 230-02-270, amends rule to remove electronically determined positions, numbers, and symbols; WAC 230-25-160, to be consistent with changes to WAC 230-30-050; and WAC 230-30-060, provides for provisions on electronic punchboards.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-02-270, amend rule to remove language relating to alternative punchboards utilizing electronically determined positions, numbers or symbols; WAC 230-25-160, to be consistent with WAC 230-30-050 and 230-30-070; and WAC 230-30-060, delete provisions for electronic punchboards, no such device currently exists.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal S. Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: [Gambling Commission], governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement required by chapter 19.85 RCW.

The agency has considered whether this rule change would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Yakima Red Lion Hotel, 1501 North 1st Street, Yakima, WA 98901, on May 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon M. Tolton, Rules Coordinator, Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400 by May 12, 1993.

Date of Intended Adoption: May 14, 1993.

March 18, 1993
Sharon M. Tolton
Rules Coordinator

AMENDATORY SECTION (Amending Order 161, filed 9/15/86)

WAC 230-02-270 Punchboard defined. ~~((+))~~ "Punchboard" means a board or device containing a number of receptacles of uniform size in which are placed, at random, punches (slips of paper or other substance, imprinted with numbers or symbols) and which:

~~((a))~~ (1) A specific serial number is assigned to the punchboard and printed on each punch;

~~((b))~~ (2) A flare or face sheet covers the receptacles and sets out the winning numbers or symbols and prizes which may be won;

~~((c))~~ (3) Upon the payment of consideration, a player may select and remove a punch from a ~~((receptable {recepta-ete}))~~ receptacle; and

~~((d))~~ (4) A prize is awarded if the number or symbol, set out on the selected punch, matches a symbol on the flare or face sheet.

~~((2))~~ ~~In the alternative, electronic devices may be used to replace the receptacles and punches with representative electronic positions and randomly assigned numbers or symbols. Provided, That the following conditions must be met:~~

~~(a) A physical flare or face sheet must cover the electronic positions and no video representation of a punchboard is used;~~

~~(b) To select a chance a player must physically punch a hole in the flare or face sheet;~~

~~(c) Numbers or symbols must be assigned to each electronic position prior to the first punch by a player and remain fixed to the assigned positions during the entire play of the game;~~

~~(d) A receipt, setting out the numbers, symbols, or punch number selected, is furnished to the player after each punch is selected;~~

~~(e) Must provide a commission approved audit trail; and~~

~~(f) The electronic device and the flare must be submitted to, and approved by, the commission prior to being offered for sale in the state.)~~

AMENDATORY SECTION (Amending Order 194, filed 7/18/89, effective 8/18/89)

WAC 230-25-160 Pull tabs at fund raising events—Operational requirements—Limitations. ~~((+))~~ The following requirements shall be utilized in the sale of pull tabs at fund raising events.

~~((a))~~ (1) All pull tab series for use at fund raising events shall contain the inspection identification stamps and record entry labels and shall be purchased for specific use at fund raising events.

~~((b))~~ (2) Pull tabs shall ~~((only be sold out of the original shipping container or))~~ be removed from the packaging container and mixed before selling to the public. All pull tabs will be sold out of a noncoin operated dispensing device (clear container). Pull tab prices shall be equal to the price set by the manufacturer for each specific series. The maximum price for any pull tab shall not exceed fifty cents.

~~((c))~~ (3) Up to a maximum of three pull tab series may be out for play at one time. All pull tabs shall be sold from a booth or similar confined area which prohibits public access to the pull tabs~~((;))~~.

~~((d))~~ (4) Each pull tab series shall constitute a separate table and have a separate number. Each series shall have a separate corresponding lock box, money paddle, chip rack for making change and payment of prizes~~((, and a winners register))~~. All currency, coin, or chips used to purchase pull tabs, shall immediately be placed in the corresponding lock box by the attendant(s) on duty. All change given back to players shall be in the form of chips or coin.

~~((e))~~ (5) All winning pull tabs shall be defaced when cashed in and deposited in the corresponding lock box. Winning pull tabs shall be paid in chips and coin only. Provided: Winning pull tabs may be redeemed for additional tabs from the same series only. When a winning pull tab of ~~((5))~~ five dollars or more is cashed, the attendant shall ~~((immediately delete that prize from the corresponding flare with a black marker. In addition, the attendant(s) shall fill out the winners register for prizes paid in excess of twenty dollars;~~

~~((f))~~ conspicuously delete all references to that prize being available to players from the flare prior to awarding the prize. In addition, for prizes over twenty dollars, the attendant(s) will verify the winner's identity and record the date, and initial the winning pull tab. The winner shall be required to print their name and date of birth in ink on the winning pull tab or to an attached sheet of paper.

(6) When a series is removed from play, the series (including the flare), the corresponding lock box and chip rack shall be transported to the count room by a runner at which time the box shall be opened for tabulation. All ~~((monies))~~ moneys collected, prizes paid and tabs sold shall be tabulated and recorded on the pull tab accounting report furnished by the commission in accordance with the instructions attached to the accounting report.

~~((g))~~ (7) After completing the count, winning pull tabs shall be packaged separately or banded and placed with the unused portion of that particular series in the original shipping container. The organization must retain the used series for a period of one year~~((; and))~~.

~~((h))~~ (8) At the completion of the fund raising event, all series still out for play shall be transported to the count room in accordance with ~~((paragraphs (f) and (g)))~~ subsections (6) and (7) of this section. All unopened pull tab series shall be returned to the licensed distributor who furnished the series for a full refund. Pull tabs may not be sold, or transferred to another licensee.

AMENDATORY SECTION (Amending Order 164, filed 1/13/87)

WAC 230-30-060 Punchboard restrictions. ~~((+))~~ No operator shall put out for play, and no manufacturer shall sell or furnish to any person, any punchboard ~~((or electronic punchboard:~~

~~((a))~~ ~~Which has not been submitted to the commission staff and been approved for sale by the commission staff in the state of Washington. An identical prototype of the electronic punchboard must be submitted to the commission for review and approval. The commission shall retain the device actually submitted when approved;~~

~~((b))~~ (1) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all chances on that board without regard to whether or not such chances are designated winners.

~~((c))~~ (2) Which has taped sides, corners, or edges.

~~((d))~~ (3) Wherein the winning punches or approximate location of any winning punches can be determined in advance of punching the punchboard in ~~((an [any]))~~ any manner or by any device, including, but not limited to, any patterns in manufacture, assembly, packaging or programming. Winning punches shall be distributed and mixed among all other punches in the punchboard. The punchboard shall be manufactured or programmed with special care so as to eliminate any pattern as between punchboards, or portions of punchboards, from which the location or approximate location of the winning punches may be determined.

~~((2))~~ ~~When electronic punchboards are submitted for approval or modification, the commission shall assess an estimated fee to the person submitting the request, which fee is equal to the actual cost of review and analysis of the electronic punchboard submitted and which fee shall be paid prior to the electronic punchboard being approved for use and sale in the state of Washington. Excess fees collected shall be returned to the applicant at the completion of the review and analysis;~~

WSR 93-07-082
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 18, 1993, 3:18 p.m.]

Original Notice.

Title of Rule: WAC 230-04-400 Denial, suspension or revocation of licenses; 230-20-670 Commercial amusement games—Operating requirements; 230-20-685 Commercial amusement games—Wages and prize limitations; and 230-40-055 Card tournaments for fee and prizes—Reporting requirements.

Purpose: WAC 230-04-400, to be consistent with the provisions of RCW 9.46.075; WAC 230-20-670, clarify wording in subsection (3); WAC 230-20-685, to comply with recent amendment to WAC 230-04-138; and WAC 230-40-055, provides reporting requirements for card tournaments.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.075, and 9.46.0335.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-04-400, to be consistent with the provision of RCW 9.46.075; WAC 230-20-670, to clarify wording in subsection (3) related to locating a commercial amusement game on a premises; WAC 230-20-685, add allowance of amusement games in grocery stores; and WAC 230-40-055, adding customer appreciation tournament requirements.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal S. Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: [Gambling Commission], governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Yakima Red Lion Hotel, 1501 North 1st Street, Yakima, WA 98901, on May 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon M. Tolton, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by May 12, 1993.

Date of Intended Adoption: May 14, 1993.

March 18, 1993
Sharon M. Tolton
Rules Coordinator

AMENDATORY SECTION (Amending Order 51, filed 4/30/76)

WAC 230-04-400 Denial, suspension or revocation of licenses. The commission may deny a license(✓) or permit(✓) to any applicant, or may suspend or revoke any and all licenses or permits of any holder, when ((such person)) the applicant or holder, or any other person with any interest in the applicant ((for,)) or holder ((of, such license or permit)):

(1) ((Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto;

~~(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;~~

~~(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;~~

~~(4) 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 any crime, whether a felony or misdemeanor involving any gambling activity or involving moral turpitude;~~

~~(5) Denies the commission or its authorized representatives, including authorized local law enforcement agencies, access to any place where a licensed activity is conducted or who fails promptly to produce for inspection or audit any book, record, or document required by law or regulation;~~

~~(6) Shall fail to display its license on the premises where the licensed activity is conducted at all times during the operation of the licensed activity;~~

~~(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;~~

~~(8)) Commits any act that constitutes grounds under RCW 9.46.075 for denying, suspending, or revoking licenses or permits;~~

(2) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person, whether any of these crimes is a misdemeanor or felony;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level;

(4) Is serving a period of probation or community supervision imposed as a sentence for any criminal offense, whether juvenile, misdemeanor, or felony, and whether or not the offense is covered under RCW 9.46.075(4): *Provided*, That each case will be individually analyzed to determine the extent to which the probationary or supervisory status affects the person's qualifications to hold a license or permit;

(5) Is the subject of an outstanding arrest warrant;

(6) Poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities, as demonstrated through the person's prior activities, criminal record, reputation, habits, or associations;

(7) When other than a charitable or nonprofit organization operates punchboards or pull tabs, or operates or allows card games at any time other than as a commercial stimulant;

~~((9)) (8) Fails to provide at the office of the commission any information required under the commission's rules within the time required therefor by applicable rule, or if no maximum time has been established respecting the particular kind of information by other rule then within ((30)) thirty days after receiving a written request therefor from the commission or its staff;~~

~~((10) Allows any person who has been convicted of, or forfeited bond upon, any of the offenses set out in (4) above to participate in the management or operation of any activity regulated by the commission without prior written approval~~

~~of the commission or its director.)~~ (9) Allows any person to participate in the management or operation of any activity regulated by the commission without prior written approval of the commission or its director when that person:

(a) Has been convicted of, pleaded guilty to, or forfeited bond upon any of the offenses set out in RCW 9.46.075(4);

(b) Has violated any other provisions of chapter 9.46 RCW or Title 230 WAC; or

(c) Would otherwise be subject to denial or revocation under the provisions of this section.

(10) Commits any other act that the commission determines constitutes a sufficient reason in the public interest for denying, suspending, or revoking licenses or permits.

AMENDATORY SECTION (Amending Order 233, filed 10/19/92, effective 11/19/92)

WAC 230-20-670 Commercial amusement games—Operating requirements. (1) Each location where commercial amusement games are operated shall be required to obtain a commercial amusement game license.

(2) A person licensed for Class A (premise only) commercial amusement games may enter into a contract with a Class B or above commercial amusement game licensee to operate amusement games on their premises. The contract must be written and specific in terms, setting out the time of the contract, revenue sharing plan and all expenses to be borne by each party: *Provided*, That the revenue sharing plan may be based on a percentage of revenue generated by the activity if the method of distribution is specific. All contracts regarding the operation of amusement games shall be submitted to the commission and become part of the licensee file.

(3) No Class B or above commercial amusement game operator shall ~~(locate a game at a premises which is not)~~ allow operation of a game at a premise which has not been previously licensed by the commission.

AMENDATORY SECTION (Amending Order 230, filed 9/18/92, effective 10/19/92)

WAC 230-20-685 Commercial amusement games—Wager and prize limitations. For locations authorized under WAC 230-04-138 (1)(g), (i), ~~((e))~~ (j), or (k) where school-aged minors are allowed to play, the following limitations shall apply.

(1) Prize limitations. No prize offered shall exceed a cost to the operator of one hundred dollars.

(2) Consideration. The maximum wager for play shall not exceed fifty cents.

AMENDATORY SECTION (Amending Order 184, filed 10/24/88)

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. (1) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission. Card room licensees with a Class A, B, or E license may conduct a card tournament for a fee without obtaining a card tournament license: *Provided*, That Class B licensees are limited to only those card games authorized

under their licensing class. Card room licensees with a Class D or R license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter. The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds ~~((50.00))~~ fifty dollars. A card tournament shall not exceed ten consecutive calendar days.

(2) The fee for a player to enter a card tournament for prizes shall not exceed ~~((50.00))~~ fifty dollars, including all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material. The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete. This same information must be included in all advertisements for said tournament. Operators may offer "free roll" or customer appreciation tournaments provided that the pretournament play requirements do not exceed the fifty-dollar entry fee limitation. Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for re-buys. All prizes awarded for free roll or customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts for compliance with WAC 230-12-075.

(3) All fees paid to enter a tournament shall be reported as gross gambling receipts: *Provided*, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed ~~((25 or 50%))~~ twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and drink for on premise consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: *Provided further*, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts for compliance with WAC 230-12-075.

(4) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed ~~((200.00))~~ two hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

(5) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in ~~((paragraph (2) above))~~ subsection (2) of this section. The licensees actual cost for prizes awarded to the players may

be deducted (~~from the gross~~) as prizes for determining adjusted net gambling receipts generated by the entry fees.

(6) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: *Provided, That* all tournament rules for tournaments where the single or multiple buy-in exceeds (~~(\$50.00)~~) fifty dollars must be submitted to the commission for approval. All tournament rules must be posted where all tournament participants can see and read the rules.

(7) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

(8) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: *Provided, That* the name and address of each participant receiving promotional items as set forth in (~~paragraph (3) above~~) subsection (3) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

WSR 93-07-083
PROPOSED RULES
GAMBLING COMMISSION
 [Filed March 18, 1993, 3:20 p.m.]

Original Notice.

Title of Rule: WAC 230-20-111 Promotional activities—Live performance as gifts—Advance approval required; 230-30-080 Limitation on pull tab dispensing devices; 230-30-095 Pull tab dispensing devices; and 230-30-100 Punchboard and pull tab device to display name of its licensed manufacturer.

Purpose: WAC 230-20-111, require director's approval prior to conducting a live performance; WAC 230-30-080, provides for limitations on pull tab dispensing devices; WAC 230-30-095, repeal rule; and WAC 230-30-100, consolidate and clarify standards and requirements for coin operated pull tab dispensing devices.

Statutory Authority for Adoption: RCW 9.46.070.

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-20-111, adding new section that requires director's approval prior to conducting a live performance; WAC 230-30-080, consolidate and clarify standards and requirements for coin operated pull tab dispensing devices; WAC 230-30-095, deletes rule; and WAC 230-30-100, consolidate and clarify standards and requirements for coin operated pull tab dispensing devices.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640; and Enforcement: Neal S. Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: [Gambling Commission], governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The agency has considered whether this rule change would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals for the following reasons: No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Yakima Red Lion Hotel, 1501 North 1st Street, Yakima, WA 98901, on May 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon M. Tolton, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by May 12, 1993.

Date of Intended Adoption: May 14, 1993.

March 18, 1993
 Sharon M. Tolton
 Rules Coordinator

NEW SECTION

WAC 230-20-111 Promotional activities - Live performances as gifts - Advance approval required. In order to preserve the integrity and image of the charitable and nonprofit bingo industry, promotional activities including live performances to entertain bingo patrons shall be deemed a promotional gift and subject to the monetary restrictions of WAC 230-20-246. For the purpose of this rule, a live performance includes any show, comedy act, skit, play, dance or similar activities, whether live or recorded and whether or not consideration is paid or not paid to the performers of such activities.

1) An organization that plans to offer any live performance before, during or after any bingo session shall present a written detailed outline of such and shall secure approval by the Director of the Commission prior to conducting the live performance. The organization shall, in writing, request a review by the Director at least sixty days in advance of the scheduled date of the live performance.

2) The Director shall review the subject matter of the proposed live performance and shall not approve any such performance which in the Director's opinion is contrary to the public interest of preserving the integrity of charitable bingo.

3) If the Director denies a request to conduct a live performance, the organization may request a review by the Commission within thirty days of the decision. The decision of the Commission shall be final.

AMENDATORY SECTION (Amending Order 222, filed 4/18/91, effective 5/19/91)

WAC 230-30-080 Limitation on pull tab dispensing devices. (1) No pull tabs shall be placed out for public play unless the total number of pull tabs originally in the series shall be clearly disclosed on the face of the flare advertising

the prizes available from that series of pull tabs. The total number of pull tabs originally in the series will be placed upon the flare by the manufacturer prior to the series being sold to a distributor or operator.

(2) No pull tab shall be added to a series of pull tabs after that series has been shipped from its place of manufacture.

(3)(a) No pull tab series, or any portion thereof, shall be placed in, or if a spindle upon, any pull tab dispensing device until any other series of pull tabs previously in, or upon, the device has been played out or permanently removed from public play.

(b) Provided, that in the use of a multiple series dispenser, each series shall be played independently and in accordance with the provisions in (a) above.

(4) No pull tab once placed in, or if a spindle upon, a pull tab dispensing device out for public play shall be removed from the dispensing device until the series is permanently removed from public play, except only:

(a) Those pull tabs actually played by consumers,

(b) Those pull tabs removed by representatives of the commission, or other law enforcement agency inspecting the device, and

(c) Those tabs temporarily removed during necessary repair or maintenance of the device. Excepting only tabs removed under (b) and (c) hereinabove, once a pull tab has been removed from public play it shall not again be put out for public play.

(5) No person shall put out any pull tab series for public play unless the series of pull tabs is wholly contained within, or if a spindle upon, the device used for dispensing that series.

(6) ~~(No person shall sell or transfer to another person in this state, or for use within this state, or shall place out for public play any device for the dispensing of pull tabs not so constructed as to allow a consumer to clearly see each pull tab within, or if a spindle upon, the device prior to playing the device. However, a metal plate, not to exceed 3/4 inch in height, may be affixed across the front at the bottom of the dispensing columns of a mechanical pull tab dispensing device.~~

~~(7) No person shall sell or transfer to any other person in this state, or for use within this state, or put out for public play any device for the dispensing of pull tabs without permanent lines or markings on the face or viewable through the face of the device and clearly visible to the consumer which effectively divide the tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.~~

~~(8) No person shall put out for public play any device for the dispensing of pull tabs which is not so constructed as to provide for at least one selection position for every 1,200 pull tabs originally in the series in play in the machine.~~

~~(9)) No person shall sell or transfer to another person in this state, or for use within this state, or put out for public play, any pull tab series which contains more than 6,000 individual pull tabs.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 230-30-095 Pull tab dispensing devices to be submitted to commission for approval prior to sale.

AMENDATORY SECTION (Amending Order 90, filed 6/14/79)

WAC 230-30-100 Punchboards and pull tabs ~~(device)~~ to display name of its licensed manufacturer.

(1) No operator shall put out for play, and no distributor or manufacturer shall sell or otherwise furnish, any punchboard~~(;)~~ or series of pull tabs ~~((or device for the dispensing of pull tabs))~~ unless each such board~~(;)~~ or series~~(; or device)~~ shall have conspicuously set forth thereon a stamp, seal or label which identifies its manufacturer and the city and state of its manufacturer.

~~(2) ((Any coin-operated pull tab dispensing device manufactured or sold in this state, or for use in this state, and initially placed out for play on or after August 1, 1976, shall have the manufacturer's name, the city and state of its manufacturer, and the manufacturer's serial number for that device stamped or embossed into its case. The manufacturer shall keep a permanent record describing each such device sold, identifying the purchaser and setting out that serial number.~~

~~The manufacturer's serial number shall be set out on the sales invoice each time the device is sold or transferred.~~

~~(3))~~ Each individual pull tab shall have conspicuously set forth thereon the name of the manufacturer or label or trademark which identifies its manufacturer. The label or trademark must be filed with the commission prior to the printing of the pull tab.

~~((4))~~ (3) No operator shall put out for play and no distributor shall sell or otherwise furnish, any punchboard~~(;)~~ or series of pull tabs ~~((or coin-operated device for the dispensing of pull tabs;))~~ unless the manufacturer of punchboards~~(;)~~ or series of pull tabs ~~((or coin-operated device for the dispensing of pull tabs, identified on such device;))~~ has been licensed by the commission.

WSR 93-07-085

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 18, 1993, 3:57 p.m.]

Original Notice.

Title of Rule: Chapter 16-570 WAC, Rapeseed production and establishment of districts.

Purpose: To amend rule recognizing two distinct subdistricts within rapeseed production District 6 to clarify production and nonproduction areas and specifying dominant types of rapeseed production in Washington state.

Statutory Authority for Adoption: Chapters 15.65 and 15.66 RCW.

Statute Being Implemented: RCW 15.65.055 and 15.66.025.

Summary: Proposal would create two subdistricts within rapeseed production District 6. Subdistrict A would consist of Kittitas County and rapeseed production would be prohibited. Subdistrict B would consist of the balance of District 6 lying within Yakima and Benton counties, where rapeseed production would be allowed. Changes also clarify production and nonproduction districts and dominant types for each district.

Reasons Supporting Proposal: District 6 board proposal, resulting from discussions from hay producers in Kittitas County, concerned with rapeseed contamination of export hay marketed into Asian markets. Other changes are proposed by the agency to clarify rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: J. Allen Stine, Olympia, Washington, (206) 902-1825.

Name of Proponent: Rapeseed Production District 6 Board by written recommendation to the director, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Recommended agency changes will more clearly define organized production districts and dominant types for each district. This was combined in a single statement in previous rules, and tended to be confusing.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule change will specify two distinct subdistricts within District 6, allowing rapeseed production to continue in a large portion of the district where production is a more common practice. The prohibition of production in Kittitas County is at the request of hay producers in that area and is not a rotation crop in the area. Producer concerns relate to introduction of a crop that would be detrimental to marketing of hay products in the Asian market which is quite particular with regard to contamination with other types of crops, weeds and seeds.

Proposal Changes the Following Existing Rules: Divides District 6 into two distinct subdistricts; other changes only clarify the existing rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Department of Agriculture, Agricultural Service Center, Public Conference Room, 2015 South First Street, Yakima, WA 98903, on April 27, 1993, at 1:00 p.m.

Submit Written Comments to: J. Allen Stine, Assistant Director, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, by April 27, 1993.

Date of Intended Adoption: May 10, 1993.

March 18, 1993

J. Allen Stine

Assistant Director

AMENDATORY SECTION (Amending Order 2029, filed 3/13/90, effective 4/13/90)

WAC 16-570-040 Rules of rapeseed production districts. (1) Established production districts. Duly established rapeseed production districts within the state of Washington, under procedures outlined in WAC 16-570-020, include Districts 3, 4, 5, 6, 8, 9, 10, 11, and 12. Districts 1,

2, and 7 are not currently organized, and production of rapeseed is prohibited in accordance with WAC 16-570-020(1).

(2) Dominant type rapeseed. The dominant type of rapeseed for duly established production Districts 3, 4, 5, 6 subdistrict B, 8, 9, 10, 11, and 12 shall be canola, low erucic acid rapeseed - low glucosinolates (lear-1g): *Provided*, That off-type rapeseed production may be allowed if conditions outlined in WAC 16-570-030 (1)(f) are met. Production of rapeseed in Districts 1, 2, and 7 by any person for any purpose is prohibited as per WAC 16-570-020.

(3) District 6 shall be divided into two subdistricts. Subdistrict A shall consist of all lands within Kittitas County, and production of all types of rapeseed shall be prohibited. Subdistrict B shall consist of all the remaining lands within District 6 within the defined areas of Yakima County and Benton County as defined in WAC 16-570-020(2), District 6. Production of all types of rapeseed shall be authorized in accordance with subsection (2) of this section.

WSR 93-07-086

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed March 19, 1993, 8:55 a.m.]

Original Notice.

Title of Rule: Registration, reports and claims for unemployment.

Purpose: The amendment requires all claims for waiting period credit or benefits to be filed in writing; adds provisions for promptly handling late claims.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.12.040.

Summary: Requires that claims for waiting period credit or benefits, to be accepted, be in writing and include the answer to at least one question. Provides that where form is submitted to claim more than one week and one or more or [of] the weeks is late, the week(s) that are not late shall be promptly processed and paid and the week that is late shall be promptly processed and conditionally paid.

Reasons Supporting Proposal: Changes department policy to facilitate more efficient, prompt payments to claimants.

Name of Agency Personnel Responsible for Drafting: Bob Wagner, UI Tax Administration, 212 Maple Park, 586-8271; Implementation and Enforcement: Marie Brillante, Asst. Comm. UI Div., 212 Maple Park, 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This amendment affects waiting period credit or benefits claimants, it does not affect 10 percent of the businesses in

any one three-digit industrial classification, nor 20 percent of all businesses.

Hearing Location: Employment Security Department, Comm. Conference Room, 2nd Floor, 212 Maple Park, Olympia, WA 98507, on April 27, 1993, at 10:00 a.m.

Submit Written Comments to: John Nemes, Rules Coordinator, Employment Security Department, Mailstop 6000, Olympia, Washington 98507-9046, by April 23, 1993.

Date of Intended Adoption: April 28, 1993.

March 11, 1993
Vernon E. Stoner
Commissioner

AMENDATORY SECTION (Amending Order 22-87 [2-87], filed 5/28/87)

WAC 192-12-141 Registration, reports and claims for unemployment compensation and related benefits.

(1) **Interstate claimants.** Individuals who file interstate claims for benefits against this state through the local office of any agent state shall not be subject to this regulation. (See WAC 192-12-130.)

(2) **Application for initial determination.** Except for good cause shown an application for initial determination shall be filed in person at a Washington state employment security office on forms provided by the department. Such application may be made at any time.

(3) **Registration for work.** As a condition of eligibility for waiting period credit or benefits, an individual shall register for work at an office of the Washington state employment security department on forms provided and shall thereafter renew his or her registration as directed during the total period which he or she maintains active claim status except as provided in WAC 192-12-150, covering the requirements for payment of benefits to partially unemployed individuals and standby workers.

(4) **Perfecting a claim for waiting period credit.**

(a) Except for good cause shown, to perfect a claim for waiting period credit, a claimant shall report in person at an employment security department office during the week for which he or she intends to claim waiting period credit.

(b) The claim for waiting period credit shall be made in writing on forms provided by the department. It shall be filed at the office during the calendar week immediately following the last day of the week being claimed except for good cause shown.

(5) **Claim for benefits.** A claim for waiting period credit or benefits shall be filed in writing with a Washington state employment security office, as prescribed by the department. The department shall determine the method and time sequence by which each individual shall file a claim for benefits.

(a) ~~((A written claim for waiting period credit or benefits shall:))~~ To be accepted as a claim for waiting period credit or benefits, the claim form shall:

(i) Include a correct week ending date which is the Saturday date of the week being claimed, and

(ii) Be filed after the week ending date of the week claimed, and

(iii) Include the answer to at least one question, and

~~((iii))~~ (iv) Include the claimant's signature, and

~~((iv))~~ (v) Be filed against an established benefit year ending date, whether monetarily eligible or ineligible, and

~~((v))~~ (vi) Include certification as to the amount of remuneration, if any, including a pension, holiday pay, vacation pay, or earnings for the week or weeks claimed, and a certification of the number of hours during each week claimed unless the certification of remuneration removes the claimant from the status of an unemployed individual as defined in RCW 50.04.310.

(b) The method for filing claims shall be one of the following:

(i) In-person method, whereby the claimant shall file the claim in person except for good cause shown;

(ii) Mail method, whereby the claimant shall file the claim by mail or in a Washington state employment security office except for good cause shown. Claims submitted by mail shall be deemed filed with the department on the postmarked date.

(iii) The commissioner may authorize other methods for the purpose of study, in response to state or national emergencies, or where unusual circumstances, not within the control of the claimant, make in-person or mail filing difficult.

(c) The time sequence for filing claims shall be one of the following:

(i) Weekly sequence, whereby claims shall be filed during the calendar week immediately following the week being claimed except for good cause shown;

(ii) Biweekly sequence, whereby a claim for two-consecutive-week period shall be filed during the calendar week immediately following such period except for good cause shown.

(iii) The commissioner may authorize another sequence for the purpose of study, in response to state or national emergency, or where unusual circumstances, not within the control of the claimant, make another sequence more appropriate.

(6) **Certain exceptions pertaining to filing claims in person.**

(a) A claimant who is directed to file a claim for waiting period credit or benefits in person and because of returning to work is unable to do so must be permitted to file the claim by mail. The claimant must file the claim or claims within the same period as the claimant was directed to file in person except for good cause shown, provided that claims submitted by mail shall be deemed filed with the department on the postmarked date.

(b) In the event that a claimant is scheduled to file a claim (or claims) in person on the last business day of the week and the claimant fails to file as scheduled, the claimant shall be allowed the next business day to file such claim (or claims) in person.

(7) **Reporting responsibility.** Irrespective of time sequences for filing claims for waiting period credit or benefits, the department may require a claimant to report to a local office in person for any reason deemed appropriate. Failure to report, as and when directed, shall result in the denial of benefits for the week during which such failure occurs, except for good cause shown.

(8) **Itinerant offices.** In cases where a representative of the employment security department shall establish a location apart from the usual place of reporting for the purpose of

taking registrations, initial applications or claims for waiting period credit or benefits, all individuals registering or filing an application or claims at such location shall be deemed to have registered or filed at an Employment Security office.

(9) Provisions for processing late claims.

If a claim form is filed with the intent to claim benefits for more than one week and one or more of the weeks is late filed;

(a) The week or weeks that are not late filed shall be promptly processed and paid if all other eligibility requirements are met, and

(b) The week or weeks that are late filed shall be promptly processed and conditionally paid unless the claimant shows good cause for late filing.

~~((9))~~ (10) Provisions for handling incomplete claims.

(a) In the event that a claim form does not conform to the definition of a claim for waiting period credit for benefits, the form may be returned to the claimant for correction or completion. Any such returned form will be accompanied by a written explanation or the reason for return, and the correction or completion of omitted entries required.

(b) If a claim form is submitted with the intent to claim benefits for more than one week, and one or more of the weeks do not conform to the definition of a claim for benefits, the week or weeks that do meet the definition shall be promptly processed.

~~((10))~~ (11) Reopening of claims.

A claimant shall report in person at an employment security department office during the first week for which benefits are claimed after a break or interruption of one or more weeks in a series of consecutive weekly claims, except for good cause shown. The department may waive or modify this requirement, when authorized by the commissioner, for administrative reasons or to reduce hardship to the public.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 93-07-087
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 19, 1993, 2:14 p.m.]**

Original Notice.

Title of Rule: WAC 230-30-097 Standards—Coin operated pull tab dispensing devices.

Purpose: Consolidate and clarify standards and requirements for coin operated pull tab dispensing devices.

Statutory Authority for Adoption: RCW 9.46.070.

Summary: Creates a new rule to consolidate and clarify standards and requirements for coin operated pull tab dispensing devices.

Name of Agency Personnel Responsible for Drafting: Sharon M. Tolton, Rules Coordinator, Lacey, 438-7685; Implementation: Frank L. Miller, Director, Lacey, 438-7640;

and Enforcement: Neal S. Nunamaker, Deputy Director, Lacey, 438-7690.

Name of Proponent: [Gambling Commission], governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The agency has considered whether these rule changes would create an economic impact on small businesses as defined in chapter 19.85 RCW. It has determined that there is no economic impact to small business as a result of these proposals for the following reasons. No cost or expenditure of resources; no affect on industry; and no substantive change in existing regulatory scheme.

Hearing Location: Yakima Red Lion Hotel, 1501 North 1st Street, Yakima, WA 98901, on May 14, 1993, at 10:00 a.m.

Submit Written Comments to: Sharon M. Tolton, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504-2400, by May 12, 1993.

Date of Intended Adoption: May 14, 1993.

March 19, 1993
Sharon M. Tolton
Rules Coordinator

NEW SECTION

WAC 230-30-097 Standards—Coin operated pull tab dispensing devices. Operators may utilize coin operated pull tab dispensing devices provided that each such device meets the following standards:

(1) Devices must be manufactured by a manufacturer licensed by the Washington State Gambling Commission.

(2) Devices shall have conspicuously set forth thereon a stamp, seal or label which identifies its manufacturer and the city and state of its manufacture.

(3) Devices shall have the manufacturer's serial number for that device stamped or embossed into its case.

(4) Devices shall be constructed so that consumers can clearly see each pull tab within the device, except that area at the bottom of the device, not to exceed one inch in height, covered for security or mechanical reasons.

(5) Devices shall have permanent lines or markings which divide the pull tabs remaining in the device into divisions of approximately 25 tabs so that the consumer can determine how many tabs remain within the device.

(6) Devices shall have one selection position for every 1200 pull tabs originally in the series.

(7) Devices utilizing bill acceptors or similar devices that do not return change shall clearly disclose that fact to the consumer.

WSR 93-07-088
PROPOSED RULES
SPOKANE COUNTY AIR
POLLUTION CONTROL AUTHORITY
 [Filed March 19, 1993, 4:35 p.m.]

Original Notice.

Title of Rule: Regulation I, Article VI, Section 6.10 F, grass field burning; base acreage determination.

Purpose: To define the parameters for transfer of base acreage for field burning allocation.

Statutory Authority for Adoption: RCW 70.94.141(1).

Statute Being Implemented: Chapter 70.94 RCW.

Summary: The proposed amendments allow the transfer of base acreage with transfer of land or by auction through a central account.

Reasons Supporting Proposal: The present form of the regulation is silent on the transfer issue. This has created confusion as to the legality of transfers.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Skelton, West 1101 College, #403, Spokane (509) 456-4727; and Enforcement: Mabel Cain, West 1101 College, #403, Spokane, (509) 456-4727.

Name of Proponent: Eric Skelton, Spokane County Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule authorizes SCAPCA to regulate grass field burning through an allotment of base acreage. Only individuals possessing base acreage may burn grass fields. The anticipated effects of the change include: Making it possible for new growers to enter the program; compensation of growers for loss of base acreage; and clarification of the circumstances under which base acreage may be transferred.

Proposal Changes the Following Existing Rules: The proposal amends the existing section on base acreage determination. The existing section does not address transfer of base acreage. The new section defines parameters for transfer.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The economic impact on small businesses is negligible. There will be additional notification requirements associated with the change, but these requirements will be simple to comply with. The increased flexibility in transfer of base acreage is expected to have a positive financial impact on grass seed growers.

Hearing Location: Spokane County Public Works Building, Hearing Room, Lower Level, West 1026 Broadway, Spokane, WA 99201, on May 6, 1993, at 9:30 a.m.

Submit Written Comments to: Spokane County Air Pollution Control Authority, 1101 West College, #403, Spokane, WA 99201, by May 5, 1993.

Date of Intended Adoption: May 6, 1993.

March 16, 1993
 Eric Skelton
 Director

SECTION 6.10 GRASS FIELD BURNING

F. Base Acreage Determination

(1) Base acreage establishes permit history and is defined as the greatest number of acres that a person or entity has burned, under permit issued by the Authority, in any single year from 1985 to 1989 inclusive, except that if more than one applicant has received a permit in the same period to burn the same field(s), then only the last person or entity to burn the field(s) may use the field(s) in determining the base acreage total.

(2) Each applicant shall identify with specificity the year and number of acres burned, including the location, whereupon the Director shall cause a record to be made of the determination for each applicant, and the Director shall mail notice to each applicant of the base acreage determination for that applicant. No person or entity, possessing base acreage, may apply for or be granted a permit to burn grass field(s) unless the grass field(s) are under the applicant's direct control, either by ownership or lease.

(3) No Each person or entity may applying for or be granted a permit to burn grass field(s) unless the person or entity after the effective date of this section shall establishes an acreage base acreage for which the applicant may apply for permits equals or exceeds the number of acres specified in the application. After November 6, 1993, no person or entity may possess base acreage unless the person or entity has a valid conservation plan which has been approved by the Spokane County Conservation District or the Soil Conservation Service of the United States Department of Agriculture. Such plan shall specify present or future intent to maintain perennial grasses in rotation as part of a conservation system. All persons or entities possessing base acreage on May 6, 1993, and intending to retain base acreage, shall submit to the Authority evidence of approval of such plan no later than November 6, 1993. All base acreage for which such evidence of a valid conservation plan has not been established by November 6, 1993, shall be transferred to the Base Acreage Account of the Authority. Within 90 days of amendment of a conservation plan, the affected person or entity shall submit evidence of such amended plan to the Authority. The acreage shall be determined as the greatest number of acres the applicant has burned, under permit issued by the Authority, since 1985, provided, if more than one applicant has received a permit since 1985 to burn the same field(s), then only the last person to burn the field may use that field in his or her base acreage total.

The Director shall require each applicant to identify with specificity the year and number of acres burned, including the location, whereupon the Director shall cause a record to be made of the determination for each applicant, and the Director shall mail notice to each applicant of the base acreage determination for that applicant.

(4) Any applicant, person or entity alleging permit history pursuant to Chapter 173-430 WAC, and aggrieved by the determination of the Director shall may, within 30 days, give notice thereof in writing, and shall state in writing all reason(s) the applicant may have for being aggrieved. Upon receipt of written notice, the Director shall redetermine if the base acreage entitlement of the applicant shall be modified and give the applicant notice of the redetermina-

tion. ~~If the applicant is still aggrieved, then within 30 days, the applicant shall~~ person or entity may request a hearing before the Board of Directors of the Authority, and upon hearing the Board of Directors shall redetermine if the base acreage of the applicant entitlement shall be modified. Such request for hearing by an aggrieved person or entity, in order to be considered, must be received by the Authority within 30 days of the Director's determination. The decision of the Board of Directors shall be final, except for any further appeal as may be allowed by law to the Pollution Control Hearings Board or the courts.

(5) Any hearing, as may be provided for herein, may be conducted by a hearings official appointed by the Board of Directors. ~~If the Board of Directors chooses to appoint a hearings official to conduct the hearing, and the decision of such hearings official shall be the final decision of the Board of Directors.~~

~~The base acreage determination hereby required shall be used to determine prorata reductions if the same are hereafter imposed.~~

(6) ~~No permit to burn any grass field shall issue after the effective date hereof in excess of the greatest number of acres burned under permit since 1985. For the year 1990 permits when properly applied for may issue for 100% of an applicant's entitlement reflected in the base acreage determination, unless prorata reductions are imposed, as provided in Section 6.10.I. In the event that prorata reductions are imposed, the base acreage in the Base Acreage Account of the Authority shall be reduced at the same time by the same percentage.~~

(7) ~~If upon any determination of an applicant's person's or entity's base acreage, it shall appear that the applicant person or entity is entitled to count a field acreage formerly already included in another applicant's base acreage, then the Director shall reduce the prior applicant's base acreage determination, credit the new person or entity accordingly, and give notice thereof to that applicant both parties. Appeal may be had from any such determination as hereinbefore stated to the Board of Directors of the Authority as provided in Section 6.10.F.(4).~~

(8) Base acreage shall apply to a person or entity and not to specific parcels of land. Base acreage is transferable at the option of the person or entity, at the time an equivalent number of acres of land is transferred, by sale, lease, expiration of lease, or inheritance, to a spouse, son, daughter, or other successor to the land, or by operation of law, and becomes the possession of the successor to the land, except as provided in Section 6.10.F.(9). The person or entity possessing base acreage may retain all or part of base acreage upon transfer of land or loss of interest in the land, provided the retained base acreage does not exceed the total area of land, intended for agricultural use, which remains under control of the person or entity, either by ownership or lease, and provided the lease or sublease does not constitute a temporary transfer agreement as described in Section 6.10.F.(9). Any person or entity with base acreage exceeding the total area of land, intended for agricultural use, remaining under their control as a result of such land transfer or loss of interest in the land may petition the Director for retention of excess base acreage for up to 24 months from the date of transfer or loss of interest in the land. Such petition shall be made in writing within 90 days of land

transfer or loss of interest in the land. The Director shall grant the retention of excess base acreage if the person or entity demonstrates to the satisfaction of the Director that every reasonable effort is being made to secure additional acreage of land for intended agricultural use which equals or exceeds the base acreage excess and which complies with Section 6.10F.(3). The Director may grant an extension of time for up to 24 additional months, if the person or entity demonstrates to the satisfaction of the Director that specific parcels of land will be secured by a specified date and the requirements of Section 6.10F.(3) will be met. Otherwise, any excess base acreage resulting from such land transfer or loss of interest in the land, is transferred to the Base Acreage Account of the Authority. Nothing in Section 6.10.F.(8) shall be construed as limiting the rights of aggrieved persons or entities to appeal, pursuant to the provisions of Section 6.10.F.(4).

(9) Any person or entity, possessing base acreage and having title to or leasehold interest in equivalent acreage of land, may enter into an agreement with a lessee or sublessee of the land to temporarily transfer base acreage for the term of the lease or sublease, provided the person or entity possessing the base acreage notifies the Authority in writing within 90 days of the transfer. At a minimum, notification shall include the effective date of the lease or sublease, the expiration date of the lease or sublease, the number of acres of land transferred or leased and the number of base acres transferred. Upon expiration of the lease or sublease, the base acreage shall revert to the person or entity who transferred the base acreage.

(10) Except as provided in Section 6.10.F.(9), any person or entity, possessing base acreage, may voluntarily relinquish all or a portion of said base acreage to the Base Acreage Account of the Authority. No person or entity, possessing base acreage, may transfer base acreage directly to another person or entity, except as provided in Sections 6.10.F.(8)&(9).

(11) Any person or entity intending to engage in the business of growing turf grass or field and forage grass for seed may apply to the Authority for base acreage from the Base Acreage Account. The Director may require proof of ownership or lease, proof of intent to own or lease equivalent acres of agricultural lands, and/or proof of compliance with Section 6.10.F.(3) before an application is approved.

(12) Any person or entity which transfers base acreage to the Base Acreage Account of the Authority shall specify to the Authority a minimum bid price per acre to be paid as compensation by a person or entity which purchases base acreage. The transferring person or entity shall place the specified minimum bid price inside a sealed envelope, with the name of the person or entity and the amount of base acreage specified on the outside of the envelope, and deliver it to the Authority. The envelope shall be clearly marked on the outside with the word, "transferred". Base acreage shall be disbursed from the Account, in order of priority, beginning with the lowest and proceeding to the highest specified minimum bid price per acre (as specified by the seller), except that any base acreage with a specified minimum bid price exceeding the highest bid, shall not be disbursed from the account. In the case of a required transfer of base acreage to the Base Acreage Account, if the person or entity fails to specify a minimum bid price per acre, the Authority

shall establish the bid price as the average of all the specified minimum bid prices of base acreage in the Base Acreage Account for which there are apparent successful matches between seller and bidder at the time the bids are opened. In the case of two or more specified minimum bid prices being the same, the base acreage shall be disbursed from the account on the basis of equal percentage from each affected transferring person or entity. Transfer of base acreage to the Base Acreage Account constitutes consent to sell the base acreage in total or in increments as determined by the successful bids.

(13) Base acreage shall be disbursed from the Base Acreage Account to persons or entities, as described in Section 6.10.F.(11), by a sealed, competitive bid process. The bidder shall place the actual bid price inside a sealed envelope, with the name of the bidder, and the number of base acres desired on the outside of the envelope, and deliver it to the Authority. The envelope shall be clearly marked on the outside with the word, "bid". The bidder shall also specify on the outside of the envelope the minimum number of base acres the bidder will commit to purchase in the event that the full base acreage request cannot be met. If the number of base acres available to the bidder is less than the bidder's minimum commitment to purchase, then the bid shall be deemed unsuccessful. Base acreage shall be awarded, in order of priority, beginning with the highest bidder and proceeding to the lowest bidder. In the case of two or more bid prices being the same, the base acreage shall be awarded on the basis of equal percentage of request to each bidder. The successful bidder shall pay to the transferring person or entity, the minimum bid price per acre, specified by the transferring person or entity, plus one-half of the difference between the specified minimum bid price and the actual bid price, for each acre purchased. Payment shall be made within 5 days of bid opening by delivery by the successful bidder to the Authority of a cashier check, certified check, or money order in the amount of the purchase price and payable to the transferring persons or entities. Within 5 days of receipt of all such payments for the completed competitive bid process, the Director shall transmit the payments directly to the transferring persons or entities.

(14) The person or entity awarded base acreage from the Base Acreage Account shall, in addition, pay one dollar (\$1) per base acre disbursed, to the Authority. The Director shall transmit the one dollar (\$) per acre fee to the Grass Seed Burning Research Account in the General Fund of the State of Washington. For every base acre disbursed from the Base Acreage Account, the person or entity shall be credited by the Authority with 0.9 base acres, after showing proof of payment. Any base acreage remaining in the Base Acreage Account for six (6) years or more shall no longer be eligible for disbursement.

(15) Disbursement of base acreage by sealed, competitive bid shall occur twice each year, between April 1, and April 15, and between October 1, and October 15, on dates established by the Director, provided there is base acreage in the Account. In addition, a special one-time disbursement of base acreage shall occur within 30 days of the effective date of the amendments to Section 6.10.F., provided there is base acreage in the Account. On each specified date, the Director or his designated representative shall open all envelopes of

the sellers and bidders and match the transferred base acreage with the bids as described in Sections 6.10.F.(12)&(13). Any person or entity which specified a minimum bid price per acre, as provided in Section 6.10.F.(12), may modify the specified minimum by presenting the Director with a substitute sealed envelope. Such substitution must be received by the Authority no later than 5 days prior to the established dates of bid opening. All transferring persons or entities which participate in the competitive bid process and fail to sell all or part of their base acreage shall submit a new sealed envelope, as described in Section 6.10.F.(12), no later than 5 days prior to the next established date of bid opening. No base acreage which has been transferred to the Base Acreage Account may be removed, retrieved, or disbursed from the Account except as provided in Sections 6.10.F.(13)&(15).

(16) If the entity is a corporation or partnership, upon dissolution, liquidation, consolidation, or reorganization, the base acreage shall be divided equally among the shareholders, partners, or tenants in proportion to their ownership. Any use of a business entity, such as a partnership, corporation or otherwise, for the purpose of avoiding the restrictions, conditions, or limitations on the transfer of base acreage as required by Section 6.10.F. shall constitute a violation of this regulation and have no force or effect.

(17) No person or entity may retain, receive, or transfer base acreage through willful misrepresentation or failure to fully disclose all relevant facts. If it is determined that a person or entity has retained, received, or transferred base acreage through such misrepresentation or failure of disclosure, in addition to being subject to the penalties provided in Article II of Regulation I, such retention, receipt, or transfer shall be rendered null and void.

(18) Section 6.10.F. does not create nor is it intended to create any vested or compensable right in any base acreage by an owner, lessor, lessee, purchaser, permit holder, applicant, or other person.

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

WSR 93-07-091
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Order 92-57—Filed March 22, 1993, 1:53 p.m.]

Continuance of WSR 93-04-065.

Title of Rule: WAC 173-19-410 Stevens County shoreline master program.

Purpose: To change the adoption date from March 24, 1993, to May 11, 1993.

Date of Intended Adoption: May 11, 1993.

March 17, 1993
 Mary Riveland
 Director

WSR 93-07-094
PROPOSED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed March 22, 1993, 2:50 p.m.]

WSR 93-07-096
PROPOSED RULES
OFFICE OF
ADMINISTRATIVE HEARINGS
 [Filed March 23, 1993, 9:25 a.m.]

Original Notice.

Title of Rule: Applicant funding of council members salaries and fringe benefits for extended adjudications.

Purpose: This proposal would establish the procedures for establishing applicant responsibility for council member salary and fringe benefits.

Statutory Authority for Adoption: RCW 80.50.040.

Statute Being Implemented: Chapter 80.50 RCW.

Summary: WAC 463-30-055 would require applicants to fund council expenses for extended adjudications.

Reasons Supporting Proposal: This is necessary to offset the expenses of an extended adjudication.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jason Zeller, Energy Facility Site Evaluation Council, 925 Plum Street, Building 4, P.O. Box 43172, Olympia, WA 98504-3172, 956-2047.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would require applicants to fund a portion of the council member costs of adjudicative hearings that extend beyond ten days.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Room 308, Washington State Energy Office, 925 Plum Street, Building 4, Town Square, Olympia, WA 98504-3172, on May 10, 1993, at 2:00 p.m.

Submit Written Comments to: Jason Zeller, Energy Facility Site Evaluation Council, 925 Plum Street, Building 4, Town Square, P.O. Box 43172, Olympia 98504-3172, by May 1, 1993.

Date of Intended Adoption: May 10, 1993.

March 22, 1993

John H. Keith

Assistant Attorney General

Legal Advisor

NEW SECTION

WAC 463-30-055 Applicant funding of council members salaries and fringe benefits for extended adjudications. When more than ten days of adjudicative hearings will be necessary to review an application for site certification, it shall be the responsibility of the applicant for site certification to pay the normal salary and fringe benefits expenses of such members of the council for the period in excess of ten days that they spend in adjudicative hearings. For the purposes of this rule, time spent in preparation for adjudicative hearings shall not be considered. Such salary and fringe benefits expenses for designated council members shall be considered to be part of the council's normal expenses pursuant to RCW 80.50.071 (1)(b).

Original Notice.

Title of Rule: WAC 10-08-150 Adjudicative proceedings—Interpreters.

Purpose: To amend model rule to conform to change in law requiring certification of foreign language interpreters.

Other Identifying Information: Delete material that is repetitious of material in statutory law.

Statutory Authority for Adoption: RCW 34.05.250.

Statute Being Implemented: RCW 34.05.250, and chapters 2.42 and 2.43 RCW.

Summary: Deletes obsolete material on qualifications of foreign language interpreters which has been superseded by interpreter certification law and deletes other material that is repetitious of statutes.

Reasons Supporting Proposal: Interpreter qualifications are governed by chapters 2.42 and 2.43 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pauline Corthell, 2424 Heritage Court, Suite 302, Olympia, WA 664-8717.

Name of Proponent: Office of Administrative Hearings, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates model rule of procedure on interpreters to recognize the language interpreter certification law and to delete outdated and repetitious material.

Proposal Changes the Following Existing Rules: Incorporates requirement that foreign language interpreters be certified, deletes material that is repetitious of statutory provisions governing appointment, qualifications, waiver, compensation, visual recording and ethical standards of interpreters. Deletes requirement of separate taperecorder for foreign language statements.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 2424 Heritage Court, Suite 302, P.O. Box 42488, Olympia, WA 98504-2488, on April 29, 1993, at 10:00 a.m.

Submit Written Comments to: Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504-2488, by April 29, 1993.

Date of Intended Adoption: May 5, 1993.

March 22, 1993

David R. LaRose

Chief Administrative Law Judge

AMENDATORY SECTION (Amending Order 6, filed 6/15/89)

WAC 10-08-150 Adjudicative proceedings—Interpreters. (1) ~~((An "impaired person" is any person involved in an adjudicative proceeding who is a hearing impaired person or a limited-English-speaking person.~~

~~(2) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.~~

~~(3) A "limited English speaking person" is a person who because of a non-English speaking cultural background cannot readily speak or understand the English language.~~

~~(4) A "qualified interpreter" is one who is readily able to interpret spoken and translate written English to and for impaired persons and to interpret or translate statements of impaired persons into spoken English and who meets the requirements of WAC 10-08-150(9). *Provided*, That for hearing impaired persons a qualified interpreter must be certified by the registry of interpreters for the deaf with a specialist certificate legal, or master's comprehensive skills certificate or comprehensive skills certificate.~~

~~(5) An "intermediary interpreter" is a hearing impaired interpreter who is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of WAC 10-08-150(9), and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter for the hearing impaired.~~

~~(6) When an impaired person is a party to any adjudicative proceeding or witness therein, the presiding officer shall, in the absence of a written waiver signed by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:~~

~~(a) The impaired person requests a waiver through the use of a qualified interpreter;~~

~~(b) The representative, if any, of the impaired person consents; and~~

~~(c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.~~

~~(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding.)~~
When an impaired person as defined in RCW 2.42 or a non-English-speaking person as defined in RCW 2.43 is a party or witness in an adjudicative proceeding, the presiding officer shall appoint an interpreter to assist the party or witness throughout the proceeding. Appointment, qualifications, waiver, compensation, visual recording, and ethical standards of interpreters in adjudicative proceedings are governed by the provisions of RCW 2.42 and 2.43.

~~(2)((8))~~ Relatives of any participant in a proceeding and employees of the agency involved in a proceeding shall not be appointed as interpreters in the proceeding. This subsection shall not prohibit the office of administrative hearings from hiring an employee whose sole function is to interpret at administrative hearings.

~~(3)((9))~~ The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired or non-English-speaking person. This determination shall be based upon the testimony or stated needs of the impaired or non-English-speaking person, the interpreter's education, certifications, and experience in interpreting for contested cases or adjudicative proceedings,

the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representative~~((f))s~~~~((j))~~ may question the interpreter as to his or her qualifications and impartiality.

~~(4)((10))~~ If at any time during the proceeding, in the opinion of the impaired or non-English-speaking person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired or non-English-speaking person, the presiding officer shall appoint another ~~((qualified))~~ interpreter.

~~((11))~~ ~~If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the presiding officer who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.)~~

~~(5)((12))~~ Mode of interpretation.

(a) Interpreters for ~~((limited))~~ non-English-speaking persons shall use simultaneous mode of interpretation where the presiding officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency; otherwise, the consecutive mode of foreign language interpretation shall be used.

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation~~((f))~~ unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the ~~((qualified))~~ interpreter considers to provide the most accurate and effective communication with the hearing impaired person.

(c) When an impaired or non-English-speaking person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants. The presiding officer shall ensure that sufficient extra time is provided to permit translation and the presiding officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceeding~~((f))~~ an nonimpaired or English-speaking party listening to uninterpreted statements would have.

~~(6)((13))~~ An ~~((qualified))~~ interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. An ~~((qualified))~~ interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

~~(7)((14))~~ The presiding officer shall explain to the impaired or non-English-speaking party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision at no cost to the party. If the party has a right to review of the order or decision, the presiding officer shall orally inform the party during the hearing of the right and of the time limits to request review.

~~(8)((15))~~ At the hearing the interpreter for a ~~((limited))~~ non-English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the ~~impaired~~ party. A copy of such telephone number shall be attached to the decision or order mailed to the ~~((impaired))~~ party. A copy of the decision or

order shall also be mailed to the interpreter for use in translation.

~~((16) In any proceeding involving a hearing impaired person, the presiding officer may, with the consent of the agency involved in the hearing, order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of the proceeding. Where simultaneous translation is used for interpreting statements of limited English speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.))~~

~~(9)((17) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses.)) The agency involved in the hearing shall pay ((such)) interpreter fees and expenses. ((The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services.))~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-07-097
PROPOSED RULES
OFFICE OF
ADMINISTRATIVE HEARINGS
 [Filed March 23, 1993, 9:27 a.m.]

Original Notice.

Title of Rule: Amending WAC 10-04-020 Function—Organization—Offices.

Purpose: To publish current description of central and field organization as required by public disclosure law.

Statutory Authority for Adoption: RCW 42.17.250 [(1)](a).

Statute Being Implemented: RCW 42.17.250 [(1)](a).

Summary: Updates agency headquarters address; identifies cities where field offices are located.

Reasons Supporting Proposal: Delete outdated information; provide current information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pauline Corthell, 2424 Heritage Court, Suite 302, Olympia, WA, 664-8717.

Name of Proponent: Office of Administrative Hearings, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends published description of agency function; organization field locations to provide current information as required by the public disclosure law.

Proposal Changes the Following Existing Rules: Updates address.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 2424 Heritage Court, Suite 302, P.O. Box 42488, Olympia, WA 98504-2488, on April 29, 1993, at 10:00 a.m.

Submit Written Comments to: Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504-2488, by April 29, 1993.

Date of Intended Adoption: May 5, 1993.

March 22, 1993

David R. LaRose

Chief Administrative Law Judge

AMENDATORY SECTION (Amending Order 6, filed 6/15/89)

WAC 10-04-020 Function—Organization—Offices.

The office of administrative hearings was created by chapter 34.12 RCW for the impartial administration of administrative hearings for state agencies. The office is under the direction of the chief administrative law judge and is organized in two divisions.

Administrative law judges assigned to the two divisions preside over hearings in adjudicative proceedings and issue initial or final orders, including findings of fact and conclusions of law. Division one is responsible for hearings held before and department of social and health services, the utilities and transportation commission, the liquor control board, the department of licensing, the superintendent of public instruction, and any other state agency requiring administrative law judge services except the employment security department. Division two is responsible for hearings held before the employment security department.

The administrative office is located at ~~((Building No. 1, 4224 6th Avenue S.E., Lacey, Washington, 98504-8915))~~ 2424 Heritage Court SW, Suite 302, PO Box 42488, Olympia, Washington, 98504-2488. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are housed in ~~((the following))~~ field offices((-)) located in Everett, Olympia, Seattle, Spokane, Vancouver, and Yakima. Each of these offices is headed by a senior administrative law judge.

~~((Social & Health Subdivision
 1212 Jefferson SE, Suite 200
 Olympia WA 98504-7821~~

~~Social & Health Subdivision
 1414 Dexter Avenue North
 Seattle WA 98109~~

~~Social & Health Subdivision
 2nd Floor, ES Building
 South 130 Arthur
 Spokane WA 99202~~

~~Social & Health Subdivision
 2722 Colby, Suite 103
 Everett WA 98201~~

~~Yakima Subdivision
 1110 West Lincoln Avenue
 Yakima WA 98902~~

~~Utilities & Transportation Subdivision
1212 Jefferson SE, Suite 200
Olympia WA 98504 7821~~

~~Liquor Control Subdivision
1212 Jefferson SE, Suite 200
Olympia WA 98504 7821~~

~~Employment Security Subdivision
Room 606 Securities Building
1904 Third Avenue
Seattle WA 98101~~

~~Employment Security Subdivision
921 Lakeridge Way, Suite C
Olympia WA 98504-5822~~

~~Employment Security Subdivision
2nd Floor, ES Building
P.O. Box TAF C 14
Spokane WA 99220~~

~~Vancouver Subdivision
111 West 39th Street, Suite A
Vancouver WA 98660~~

All written communication by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the deputy chief administrative law judge at the administrative office.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-07-098
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed March 23, 1993, 10:24 a.m.]

Original Notice.

Title of Rule: WAC 308-18-150 Private security guard companies and private security guards—Fees.

Purpose: Fee change.

Statutory Authority for Adoption: RCW 18.170.180(1).

Statute Being Implemented: Chapter 18.170 RCW.

Summary: Proposed rule increases license fees.

Reasons Supporting Proposal: Lower than anticipated revenue does not support current program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik, 2424 Bristol Court, Olympia, (206) 664-9070.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule sets the fees for private security guard companies and private security guards. Anticipated effect of

this revision is to increase fees to cover cost of program administration.

Proposal Changes the Following Existing Rules: Fee increase.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: St. Martins Pavilion, 5300 Pacific Avenue, Lacey, WA 98503, on April 27, 1993, at 1:00 p.m.

Submit Written Comments to: Mary Jelvik, Program Manager and Mike Schneider, Acting, 2424 Bristol Court, P.O. Box 9045, Olympia, WA 98507, by April 25, 1993.

Date of Intended Adoption: April 27, 1993.

March 23, 1993

Jon M. Clark

Acting Assistant Director

AMENDATORY SECTION (Amending WSR 91-22-112, filed 11/6/91, effective 12/7/91)

WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Private security guard company:	
Application/examination	\$250.00
Reexamination	25.00
License renewal	250.00
Late renewal with penalty	350.00
Certification	25.00
Private security guard:	
Original license	((25.00)) <u>35.00</u>
Certified trainer examination/ reexamination	25.00
License renewal	((20.00)) <u>25.00</u>
Late renewal with penalty	((25.00)) <u>30.00</u>
Certification	25.00
Armed private security guard:	
Original license	15.00
Certified trainer examination/ reexamination	25.00
License renewal	((20.00)) <u>25.00</u>
Late renewal with penalty	((25.00)) <u>30.00</u>
Certification	25.00

WSR 93-07-099
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed March 23, 1993, 10:26 a.m.]

Original Notice.

Title of Rule: WAC 308-17-150 Private detective agency, private detective and armed private detective fees.

Purpose: Fee setting.
 Statutory Authority for Adoption: RCW 18.165.170(1).
 Statute Being Implemented: Chapter 18.165 RCW.
 Summary: Proposed rule to increase license fees.
 Reasons Supporting Proposal: Lower than anticipated revenue does not support current program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Jelvik and Mike Schneider, 2424 Bristol Court, Olympia, (206) 664-9070.

Name of Proponent: Department of Licensing, Professional Licensing Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule sets the fees for private detective agencies and private detectives. Anticipated effect of this revision is to increase fees to cover cost of program administration.

Proposal Changes the Following Existing Rules: Increases fees.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: St. Martins Pavilion, 5300 Pacific Avenue, Lacey, WA 98503, on April 27, 1993, at 2:00 p.m.

Submit Written Comments to: Mary Jelvik, Program Manager and Mike Schneider, Acting, P.O. Box 9045, Olympia, WA 98507, by April 25, 1993.

Date of Intended Adoption: April 27, 1993.

March 23, 1993

Jon M. Clark

Acting Assistant Director

AMENDATORY SECTION (Amending WSR 91-22-111, filed 11/6/91, effective 12/7/91)

WAC 308-17-150 Private detective agency, private detective, and armed private detective fees. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Private detective agency:	
Application/examination	\$300.00
Reexamination	25.00
License renewal	((200.00))
	<u>300.00</u>
Late renewal with penalty	((300.00))
	<u>350.00</u>
Certification	25.00
Private detective:	
Original license	50.00
Certified trainer examination/ reexamination	25.00
License renewal	40.00
Late renewal with penalty	50.00
Certification	25.00
Armed private detective:	
Original license	25.00
Certified trainer examination/ reexamination	25.00
License renewal	40.00

Late renewal with penalty 50.00
 Certification 25.00

**WSR 93-07-100
 WITHDRAWAL OF PROPOSED RULES
 STATE BOARD OF EDUCATION**

[Filed March 23, 1993, 10:38 a.m.]

Notice is hereby given that the State Board of Education is withdrawing WSR 93-04-119, filed February 3, 1993, related to proposed amendments to WAC 180-26-025, Racial imbalance prohibition—Definition and acceptance criteria.

Monica Schmidt
 Executive Director/Secretary

**WSR 93-07-103
 PREPROPOSAL COMMENTS
 DEPARTMENT OF
 GENERAL ADMINISTRATION**

(Division of Savings and Loan Associations)

[Filed March 23, 1993, 10:46 a.m.]

Subject of Possible Rule Making: Rules pertaining to the manner in which credit union supervisory committees perform their duties as prescribed by RCW 31.12.335.

Persons may comment on this subject in writing, Division of Savings and Loan Associations, P.O. Box 41028, 1400 South Evergreen Park Drive S.W., Suite 100, Olympia, WA 98504-1028, no later than May 7, 1993.

Other Information or Comments by Agency at this Time, if any: The Division of Savings and Loan Associations filed a preproposal comment in October of 1992 regarding this subject. There was a significant response. However, it appears that several of the persons responding did not understand the purpose of the preproposal comment. As an example, several comments suggested how the RCW could be amended. The purpose of this preproposal comment is to solicit specific suggestions for WAC rules that should be enacted to guide supervisory committees in the performance of their duties.

March 23, 1993
 John S. Stanislav
 Supervisor

**WSR 93-07-106
 PROPOSED RULES
 DEPARTMENT OF HEALTH**

(State Board of Health)

[Filed March 23, 1993, 1:32 p.m.]

Original Notice.

Title of Rule: WAC 246-358-001.

Purpose: To clarify that temporary-worker housing started before May 3, 1969, is subject to the rules in chapter 246-358 WAC.

Statutory Authority for Adoption: RCW 70.54.110.

Summary: Eliminates wording that excludes temporary-worker housing started before May 3, 1969, from meeting State Board of Health standards.

Reasons Supporting Proposal: Advised by the assistant attorney general.

Name of Agency Personnel Responsible for Drafting: Leslie Baldwin, 2725 Harrison Avenue, Olympia, (206) 705-6788; Implementation and Enforcement: Byron Plan, 2725 Harrison Avenue, Olympia, (206) 705-6777.

Name of Proponent: State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Due to an assistant attorney general interpretation, the State Board of Health adopted rules in December 1992 that excluded housing started before May 3, 1969, from complying with the standards in chapter 246-358 WAC. The assistant attorney general has further researched session laws, previous rules, and historical documentation, and has determined that housing started before May 3, 1969, is subject to State Board of Health regulations.

Proposal Changes the Following Existing Rules: WAC 246-358-001, deletes the words "started on or after May 3, 1969,".

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This housing was regulated last year, so costs will not be increased this year.

Hearing Location: City of Colville, Council Chambers, 170 South Oak, Colville, WA 99114, on May 12, 1993, at 1:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1300 S.E. Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by April 27, 1993.

Date of Intended Adoption: May 12, 1993.

March 19, 1993
 Sylvia Beck
 Executive Director

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-001 Purpose and scope. (1) This chapter contains:

(a) Minimum health and sanitation requirements for temporary-worker housing adopted by the Washington state board of health in accordance with RCW 70.54.110;

(b) Procedures for applying for an operating license to provide temporary-worker housing, adopted by the Washington state department of health in accordance with RCW 43.70.340(3); and

(c) Operating license fees as set by RCW 43.70.340(2) to cover the costs of an inspection program to ensure compliance with this chapter, adopted by the Washington state department of health.

(2) This chapter applies to temporary-worker housing (~~started on or after May 3, 1969,~~) that consists of:

(a) Five or more dwelling units; or
 (b) Any combination of dwelling units, dormitories, or spaces that house ten or more occupants.

(3) This chapter does not apply to housing regulated by chapter 59.18 RCW, Residential Landlord-Tenant Act, or chapter 59.20 RCW, Mobile Home Landlord-Tenant Act.

WSR 93-07-107
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Board of Dental Examiners)
 [Filed March 23, 1993, 1:37 p.m.]

Supplemental Notice to WSR 93-01-025.

Title of Rule: WAC 246-818-130 Licensure without examination for dentists, application procedure.

Purpose: To clarify existing rules.

Statutory Authority for Adoption: RCW 18.32.035.

Statute Being Implemented: RCW 18.32.215.

Summary: The Board of Dental Examiners has determined a need to further clarify the existing rule WAC 246-818-130 of the dental licensure without examination program to ensure consistent interpretation by licensure applicants and the board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan E. Shoblom, Executive Director, 1112 S.E. Quince Street, P.O. Box 47867, Olympia, WA 98504-7867, (206) 586-6898.

Name of Proponent: Department of Health, Board of Dental Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The Board of Dental Examiners has been reviewing applications for dental licenses under the licensure without examination program for almost two years and has determined the need to further clarify the rules to make them more understandable and concise for both the applicant and the board. We anticipate that this modification of existing rules will assist prospective applicants in determining if they meet eligibility requirements for the program.

Proposal Changes the Following Existing Rules: Changes will clarify and simplify current rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: WestCoast SeaTac Hotel, Tacoma Room, 18820 Pacific Highway South, Seattle, WA 98188, on April 30, 1993, at 9:00 a.m.

Submit Written Comments to: Susan Shoblom, Executive Director, Dental Health Care Boards, P.O. Box 47867, Olympia, WA 98504-7867, by April 15, 1993.

Date of Intended Adoption: April 30, 1993.

March 15, 1993
 Susan E. Shoblom
 Executive Director

AMENDATORY SECTION (Amending Order 228B, filed 12/19/91, effective 1/19/92)

WAC 246-818-130 Licensure without examination for dentists—Application procedure. The applicant is responsible for obtaining and furnishing to the Washington board of dental examiners all materials required by the board to establish eligibility for a license without examination. Any fees for verification of requirements must be paid by the applicant.

PROPOSED

A license issued based on the succeeding criteria, may be revoked upon evidence of misinformation or substantial omission.

The following must be submitted to the board:

(1) A completed application for licensure without examination to include the payment of the required application fee. The application must be signed and notarized. All information must be completed and received within 180 days of receipt of the initial application. Only completed applications will be reviewed by the board, or its designee(s). Completed applications will be acted on at the next scheduled board meeting ~~((; provided that the board may extend application reviews to the following meeting or meetings if required by the number of completed applications or the board's other business))~~ or at other intervals determined by the board.

(2) A statement by the applicant as to whether he/she has been the subject of any disciplinary action in the state(s) of licensure and whether he/she has engaged in unprofessional conduct as defined in RCW 18.130.180.

(3) A statement by the applicant that he/she is not an impaired practitioner as defined in RCW 18.130.170.

(4) A certification by the state board(s) of dentistry (or equivalent authority) that, based on successful completion of an examination, the applicant was issued a license, registration, certificate or privilege to practice dentistry, without restrictions, and whether he/she has been the subject of final or pending disciplinary action.

(5) Documentation to substantiate that standards defined in WAC 246-818-140 have been met.

(6) A certification from each state or jurisdiction where the applicant holds or has held a license to practice dentistry and whether he/she has been the subject of final or pending disciplinary action.

(7) An official dental school transcript showing the degree and date of graduation. This transcript shall be mailed from the school directly to the board.

(8) The national board scores certified by the Joint Commission on National Dental Examinations.

(9) A current 2" x 2" photograph ~~((duly identified and attested))~~ signed and dated.

(10) Proof of completion of AIDS education as required by WAC 246-818-080.

(11) Proof that the applicant is currently engaged in the practice of clinical, direct patient care dentistry, in another state, and has been ~~((for at least))~~ practicing for a minimum of five years within the seven years immediately preceding application, as demonstrated by the following information:

(a) Address of practice location(s);

(b) Length of time at the location(s);

(c) Certification of a minimum of twenty hours per week in clinical dental practice ~~((; as defined by RCW 18.32.020))~~;

~~((and))~~ (d) A letter from all malpractice insurance carrier(s) defining years when insured and any claims history;

(e) Federal or state tax numbers;

(f) DEA numbers if any; ~~((and~~

~~(g) A copy of the applicant's current dental license.))~~

Dentists serving in the United States federal services as described in RCW 18.32.030(2), for the period of such service, need not provide (a) through (f) of this subsection, but must provide documentation from their commanding

officer regarding length of service, duties and responsibilities ~~((and a copy of their current license))~~ including any adverse actions or restrictions. Such dental service, including service within the state of Washington, shall be credited toward the dental practice requirement.

Dentists employed by a ~~((teaching institution;))~~ dental school approved by the board for the period of such dental practice, need not provide (a) through (f) of this subsection, but must provide documentation from the dean or appropriate administrator of the institution regarding the length and terms of employment and their duties and responsibilities, ~~((and a copy of their current license))~~ and any adverse actions or restrictions. Such dental practice, including practice within the state of Washington, shall be credited toward the dental practice requirement. Dental practice within a residency program shall be credited toward the dental practice requirement.

WSR 93-07-109
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed March 23, 1993, 2:16 p.m.]

Original Notice.

Title of Rule: WAC 314-70-050 Destruction of liquor by liquor enforcement agents; 314-52-080 Novelty advertising; 314-40-030 Constitution—Bylaws—House rules; 314-20-015 Licensed brewers—Retail sales; 314-24-160 Domestic wineries—Retail sales; and 314-24-095 Fortified wine—Exceptions.

Purpose: WAC 314-70-050, to specifically define and outline the procedures which shall be used whenever an agent of the board destroys liquor; WAC 314-52-080, to simplify and clarify existing language; WAC 314-40-030, to delete unnecessary language pertaining to documents which are currently required from private clubs; WAC 314-20-015, to modify rule to comply with 1992 session laws; WAC 314-24-160, to modify the rule to comply with 1992 session laws; and WAC 314-24-095, to bring rule into compliance with 1991 session laws.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: WAC 314-70-050 implements RCW 66.08.030; WAC 314-52-080 implements RCW 66.28.010; WAC 314-40-030 implements RCW 66.24.450; WAC 314-20-015 implements RCW 66.24.240; WAC 314-24-160 implements RCW 66.24.170; and WAC 314-24-095 implements RCW 66.04.010(34).

Summary: See Purpose above and Explanation of Rule below.

Reasons Supporting Proposal: See Purpose above and Explanation of Rule below.

Name of Agency Personnel Responsible for Implementation: For WAC 314-70-050, 314-52-080 and 314-24-095 is Gary Gilbert, 1025 East Union, Olympia, 586-3052; for WAC 314-20-150 and 314-24-160 is David Goyette, 1025 East Union, Olympia, 753-6274; and for WAC 314-40-030 is Janice Lee Britt, 1025 East Union, Olympia, 586-6701. Enforcement of all WACs is Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 314-70-050 clearly specifies the procedure to be pursued whenever an agent of the board destroys liquor thereby providing anyone asking as to the procedure with a concise process; WAC 314-52-080 simplifies existing language and makes it easier to understand and enforce regulations pertaining to acquisition of novelty items by retail licensees; WAC 314-40-030 deletes the requirement for private clubs to provide revised constitutions, bylaws and house rules to the board whenever amendments thereto are made thus eliminating considerable paperwork for licensees and the board; WAC 314-20-015 modifies existing rule to bring it into compliance with changes made to statute during the 1992 session; WAC 314-24-160 modifies existing rule to bring it into compliance with changes made to statute during the 1992 session; and WAC 314-24-095 amendatory language is necessary in order to correct an oversight resulting from legislation passed in 1991.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

All recommended changes benefit licensees rather than require added effort or expense on their part.

Hearing Location: Liquor Control Board, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on May 5, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, 98504, by May 4, 1993.

Date of Intended Adoption: May 5, 1993.

March 23, 1993

Paula O'Connor
Chairman

NEW SECTION

WAC 314-70-050 Destruction of liquor by liquor enforcement officers. (1) Pursuant to RCW 66.08.030, liquor enforcement officers are authorized to seize, confiscate, and destroy any liquor manufactured, sold, or offered for sale within the state that does not conform in all respects to the standards prescribed by Title 66 RCW and board regulations.

(2) Destruction shall be carried out under competent supervision and a record of the type, brand, and amount of liquor shall be maintained on a form prescribed by the board. Records made pursuant to this regulation shall be maintained for a period not less than one year.

(3) Liquor may be destroyed only after:

(a) The board's charges of a violation of Title 66 RCW or board regulations have been sustained after an administrative proceeding pursuant to chapter 314-04 or 314-08 WAC in which the liquor to be destroyed has been the subject of, or evidence in, that administrative proceeding; or

(b) The board's charges of a violation of Title 66 RCW or board regulations have been admitted or are not contested by the person from whom the liquor was seized and the liquor seized was the subject of the charged violation; or

(c) Liquor was seized pursuant to lawful arrest and that liquor was held as evidence in a criminal proceeding where a final disposition has been reached; or

(d) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-080 Novelty advertising. (1) Novelty advertising items shall include, but shall not be limited to, trays, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, wearing apparel, mugs, glasses, knives, lamp shades, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide without charge, directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept without charge any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The price thereof shall be ~~((in conformity with the open market price in the locality where sold))~~ not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee. The purchase by retail licensees of such items shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

(4) A manufacturer, importer, or wholesaler who sells novelty advertising items to retail licensees shall keep on file the originals or copies of all sales slips, invoices, and other memoranda covering all purchases of novelty advertising items from the supplier or manufacturer of such items and shall also keep on file a copy of all invoices, sales slips, or memoranda reflecting the sales to licensees or other disbursement of all novelty advertising items. Such records shall be maintained in a manner satisfactory to the board and must be preserved in the office of the manufacturer, importer, or wholesaler for a period of at least two years after each purchase or sale. Any manufacturer which does not maintain a principal office within the state shall, when requested, furnish the above required records at a designated location within the state for review by the board.

AMENDATORY SECTION (Amending Order 19, filed 8/10/72)

WAC 314-40-030 Constitution—Bylaws—House rules. (1) No license shall be issued to any organization or club unless its constitution, bylaws, and house rules are submitted to the board as evidence that the applicant

qualifies as a bona fide club under provisions of state liquor laws and regulations. ~~((Two copies of such constitution, bylaws, and house rules and any amendments thereto shall be kept on file with the board at all times. No amendments to the same which will in any way affect the operation under such license can become operative until after the same have been submitted to the board.))~~

(2) The constitution, bylaws and/or house rules shall provide, among other things:

(a) That all classifications of members must be admitted only on written application and only after investigation and ballot. Such admissions must be duly recorded in the official minutes of a regular meeting;

(b) Standards of eligibility for members;

(c) Limitation on the number of members consistent with the nature of the organization or club;

(d) That not more than twelve honorary members be admitted in any one calendar year, and that nonresident and associate members be restricted to numbers consistent with the nature of the organization or club;

(e) Reasonable initiation fees and dues consistent with the nature and purpose of the organization or club;

(f) The period for which dues shall be paid and the date upon which this period shall expire;

(g) Reasonable regulations for the dropping of members for the nonpayment of dues;

(h) Strict regulations for the government of organization or club rooms and quarters generally consistent with its nature and character;

(i) That organization or club rooms and quarters must be under the supervision of a manager and house committee, which committee shall be appointed by the governing body of the organization or club;

(j) Provisions for visitors and for the issuance and use of guest and courtesy cards in accordance with WAC 314-40-040.

AMENDATORY SECTION (Amending Order 85, Resolution No. 94, filed 10/28/81)

WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation. (1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises: *Provided*, That beer so sold at retail shall be subject to the tax and penalty for late payment, if any, as imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010.

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040. Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

(7) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production.

AMENDATORY SECTION (Amending Order 190, Resolution No. 199, filed 5/28/86)

WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation. (1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises: *Provided*, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28.010 and WAC 314-24-110 (Rule 69).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A domestic winery may serve its own wine and wine not of its own production without charge on the winery premises as authorized by RCW 66.28.040. Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210.

(6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area

and facilities. Such winery shall maintain a separate record of all wine so served.

(7) A winery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the winery premises that is not of its own production.

AMENDATORY SECTION (Amending Order 224, Resolution No. 233, filed 7/7/87)

WAC 314-24-095 Fortified wine—Exception to definition when affidavit on file. (1) All wines which have an alcohol content (~~(equal to or)~~) greater than fourteen percent of alcohol by volume shall be considered to be "fortified wine" as defined in RCW 66.04.010(34) until an affidavit of exception, on a form prescribed by the board, has been filed with the board certifying that said wine qualifies under one or more of the statutory exclusions from that definition.

(2) The affidavit may be filed by either the manufacturer, importer or wholesaler of the wine, and whichever licensee files the affidavit is responsible for the information contained therein. Any affidavit which the board finds to contain false information shall result in suspension of label and product approval for the wine which is the subject of the affidavit for a period of not less than one year.

WSR 93-07-110
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed March 23, 1993, 2:17 p.m.]

Original Notice.

Title of Rule: WAC 314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications; WAC 314-12-140 Prohibited Practices—Contracts—Gifts—Rebates, etc.; WAC 314-16-030 Sanitation, equipment and lighting; WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies; WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices; and WAC 314-20-030 Packages—Classification.

Purpose: WAC 314-12-020, specifies the criteria which must be met for qualifying for a liquor license and the amendatory language requires compliance with local health and safety laws or ordinances; WAC 314-12-140, requires those practices which are prohibited for retail licensees and the amendatory language simplifies specific practices; WAC 314-16-030, specifies requirements for licensees and their premises and the language which is repealed by this action narrows the rule to pertaining to lighting only; WAC 314-12-025, explains the requirements for applicants who seek temporary licenses and new language further defines instances which warrant temporary licenses to be issued; WAC 314-16-020, some of the more restrictive language as it pertains to dispensing apparatus and furnishing of devices by wholesalers or manufacturers to retail licensees is removed; and WAC 314-20-030, identifies container sizes that are acceptable for holding beer and limits the board's discretionary authority to permit size exceptions for products imported from outside the state.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: WAC 314-12-020 implements RCW 66.24.010; WAC 314-12-140 implements RCW 66.28.010; WAC 314-16-030 implements RCW 66.24.010; WAC 314-12-025 implements RCW 66.24.010; WAC 314-16-020 implements RCW 66.28.010; and WAC 314-20-030 implements RCW 66.08.050(5).

Summary: See Purpose above and Explanation of Rule below.

Reasons Supporting Proposal: See Purpose above and Explanation of Rule below.

Name of Agency Personnel Responsible for Implementation: WAC 314-12-020, 314-16-030, and 314-12-025 are to be implemented by Lester C. Dalrymple, 1025 East Union, Olympia, 753-6259 and WAC 314-12-140, 314-16-020, and 314-20-030 are to be implemented by Gary Gilbert, 1025 East Union, Olympia, 586-3052. Enforcement of all WACs is under the direction of Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 314-12-020 clarifies existing language so that anyone applying for a liquor license must sign an affidavit certifying that the premises will be maintained in compliance with all applicable health and safety laws and ordinances including fire and health codes, the existing rule is also amended to correct clerical errors resulting in an exception to be filed by the code reviser as to style of specific language; WAC 314-12-140 currently itemizes certain practices as prohibited because of conflict with RCW 66.28.010, existing language is amended to simplify the rule, eliminate confusion and use "cost of acquisition" as a criteria for pricing items available to retailers rather than the "local open market price" currently used; WAC 314-16-030 prescribes certain sanitation and equipment requirements for licensees which the proposal would repeal leaving only the requirement for lighting in place; WAC 314-12-025 details who qualifies for a temporary license and amendatory language explains what constitutes an "emergency situation" which makes someone eligible for such a license; WAC 314-16-020 describes the types and requirements for dispensing apparatus for beer and what brewers and manufacturers may provide as opening devices for bottles and cans of beer, the amendatory language removes the restriction that such devices cannot include a brand name and also permits corkscrews to be provided at a nominal value; and WAC 314-20-030 specifies the sizes which may be used to contain beer within the state and allows the board discretion to make exceptions for imported products, the proposed change removes the limitation on discretion to imported products and gives the board more flexibility.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

All modifications or partial repeals of existing WACs are for convenience of licensees, board and/or public hence have no adverse effect on small businesses.

Hearing Location: Liquor Control Board, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on April 28, 1993, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, Washington State Liquor Control Board, 1025 East Union, Olympia, 98504, by April 27, 1993.

Date of Intended Adoption: April 28, 1993.

March 23, 1993

Paula O'Connor
Chairman

AMENDATORY SECTION (Amending WSR 90-24-007, filed 11/27/90, effective 12/28/90)

WAC 314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications. (1) Where a married person is an applicant for, or holder of a license, the spouse of such applicant, if the parties are maintaining a marital community, shall be required to have the same qualifications as the applicant.

(2) The board may require, as a condition precedent to the original issuance or transfer of any annual license, fingerprinting (~~((and criminal history record))~~) and criminal history record information checks on any person not previously licensed by the board. In addition to the applicant, fingerprinting and criminal history record information checks may be required of the applicant's spouse. In the case of a corporation, fingerprinting and criminal history record information checks may be required of its present and any subsequent officers, manager, and stockholders who hold more than ten percent of the total issued and outstanding stock of the applicant corporation if such persons have not previously had their fingerprints recorded with the board. In the case of a partnership, fingerprinting and criminal history record information checks may be required of all general partners and their spouses. Such fingerprints as are required by the board shall be submitted on forms provided by the board to the Washington state identification section of the Washington state patrol and to the identification division of the Federal Bureau of Investigation in order that these agencies may search their records for prior arrests and convictions of the individuals fingerprinted. The applicant shall give full cooperation to the board and shall assist the board in all aspects of the fingerprinting and criminal history record information check. The applicant may be required to pay a minimal fee to the agency which performs the fingerprinting and criminal history process.

(3) Before a license may be issued to an applicant for a new license or transfer of a license, the applicant must sign an affidavit certifying that the premises to be licensed is in compliance with all applicable health and safety laws or ordinances, including fire and health codes. Maintaining the premises in compliance with such laws and ordinances shall be a continuing requirement for licensure under Title 66 RCW. Failure to maintain the premises in compliance with local health and fire safety laws shall be cause for suspension or revocation of the liquor license.

(4) The restrictions on license issuance specified in RCW 66.24.010(2) and subsection (3) of this section, shall be construed to be continuing conditions for retaining an

existing license and for approval of a transfer of a license, and any licensed person who ceases to be eligible ((~~for issuance of a license under RCW 66.24.010(2) shall also cease to be eligible~~)) for issuance of a license under RCW 66.24.010(2) or subsection (3) of this section shall also cease to be eligible to hold any license already issued.

~~((4))~~ (5) An applicant for any license or permit issued by the liquor control board (~~((who employs an attorney or agent in connection with an application))~~), who employs an attorney or agent in connection with an application for such license or permit, shall, upon request, submit in writing the entire agreement between such applicant for license or permit, and the attorney or agent. No part of any compensation agreed upon, paid or received (~~((shall in any manner be contingent upon the outcome of the matter before said board. In the event the compensation agreed upon, paid or received))~~) shall in any manner be contingent upon the outcome of the matter before said board. In the event the compensation agreed upon, paid or received, is determined to be excessive, the board reserves the right to refuse to consider the application for such license or permit.

(5) The board, in considering an application for a license, may require, in addition to all other information requested concerning the proposed licensed premises (see WAC 314-12-035), that the applicant justify the issuance of the license sought based on an analysis of population trends compared to licenses in the area, any uniqueness of the proposed operation, any unusual circumstances present, plus any other information the applicant(s) may feel will justify the issuance of the license sought.

(6) The board may, at its discretion and for good cause shown, reconsider a denied application upon receipt of new information within sixty days of the original (~~((denial))~~) denial date. Such reconsiderations are not considered part of the normal license application procedure and must be justified on an individual basis. Should the board determine to reconsider a denied application, notice of such reconsideration shall be given to those persons and/or entities entitled to receive notice of an original license application pursuant to RCW 66.24.010(8). Such notice shall be given at least twenty days prior to final determination on the reconsideration. Additionally, at the same time the notice is given, a press release will be issued informing the public of the impending reconsideration.

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

AMENDATORY SECTION (Amending WSR 92-02-014, filed 12/23/91, effective 1/23/92)

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and

common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; Provided, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, wholesaler, importer, or ~~((any))~~ employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be ~~((in conformity with the open market price in the locality where sold))~~ not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

AMENDATORY SECTION (Amending Rule 18, filed 6/13/63)

WAC 314-16-030 ~~((Sanitation, equipment and))~~ Lighting requirements. ~~((1) Every retail licensee shall keep his premises and equipment in a clean, wholesome and sanitary condition.~~

~~((2) All cups, mugs, steins or glasses used for serving liquor must, after being used, be cleaned, washed and sterilized in the manner prescribed by the state board of health sanitation regulations. Any sterilizing process and~~

~~chemical sterilizing agents used in connection therewith shall meet the requirements of the state board of health.~~

(3)) All holders of retail licenses for the sale of liquor for consumption on the premises shall provide in and about the parts of said premises, which are open to and used by the public, sufficient lighting so that all objects are plainly visible at all times and all parts of such premises shall be illuminated so that patrons on any part of the premises on which intoxicating liquor is served shall be able to read a menu or liquor list printed in eight point type.

AMENDATORY SECTION (Amending Order 226, Resolution No. 235, filed 7/23/87)

WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies. (~~Any~~) A person who has submitted a transfer application for a retail or wholesale liquor license in accordance with RCW 66.24.010 and WAC 314-12-070, and who has demonstrated to the satisfaction of the board that an emergency situation exists, or who submits all initially required documents which appear to be complete and signed, may apply for, and be issued, a temporary license to be effective immediately upon issuance under the following conditions:

(1) A fee of fifty dollars shall be submitted with the application for a temporary license.

(2) For the purposes of this section "emergency situation" shall include death or incapacity of the seller, foreclosure, divorce, or other situation which requires the buyer to assume control of the business before the application can be fully processed and approved.

(3) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

~~((3))~~ (4) For the purposes of this section, "wholesale liquor license" shall include all classes of liquor licenses held in conjunction with those wholesale licenses authorized by RCW 66.24.200 and 66.24.250.

~~((4))~~ (5) The privilege of having a temporary license issued upon an application for a transfer of license does not apply to breweries or wineries, even though these licensees have limited wholesale and retail privileges under their manufacturers' licenses.

AMENDATORY SECTION (Amending Order 233, Resolution No. 242, filed 10/27/87)

WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices. (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer wholesalers may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer wholesaler. Brewers and beer wholesalers may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer wholesaler(~~—Provided, That said openers do not bear any brand name or the name of any beer manufacturer or wholesaler or liquor advertising of any kind~~)).

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine wholesalers may furnish said labels and "tap marking devices" or container marking devices and corkscrews to retail dispensers as hereinabove provided at a nominal value or cost to the winery or wine wholesaler.

AMENDATORY SECTION (Amending Order 278, Resolution No. 287, filed 2/23/89)

WAC 314-20-030 Packages—Classification. (1) No manufacturer, wholesaler or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and case quantities from the manufacturer's original packages.

(2) Net contents—Packaged beer. Net contents shall be stated in a clearly legible manner on the label in fluid ounces or as follows:

(a) If less than 1 pint, in fluid ounces, or fractions of a pint;

(b) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated;

(c) If more than 1 pint, but less than 1 quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces;

(d) If more than 1 quart, but less than 1 gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces;

(e) If more than 1 gallon, the net contents shall be stated in gallons and fractions thereof;

(f) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

(3) Container size limitations—Barrels. Whole barrels (31 gallons), 1/2 barrels (15.5 gallons), 1/4 barrels (7.75 gallons), 1/6 barrels (5.16 gallons). Packaged beer—Maximum capacity for individual containers, 170 fluid ounces: *Provided, however,* That the board may, in its discretion, authorize (~~the importation and sale for use in the state of Washington of beer in~~) other container and/or barrel size packages which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, United States Treasury Department: *Provided further,* That the board may, in its discretion, authorize a brewery with Class H privileges to dispense beer directly from conditioning tanks/vessels to the Class H area provided the taxes have been paid prior to dispensing.

(4) The net contents of individual containers shall be stated on the outside of any multicontainer package where the individual container label or bottle size is not visible to the consumer at the point of purchase.

(5) Gift packages. A beer importer or beer wholesaler may prepare and sell "gift packages" consisting of containers of beer differing in case quantities from the manufacturer's original case capacities provided the tax has been paid on the previously purchased beer in accordance with RCW

66.24.290 and provided written approval by the board has been obtained.

WSR 93-07-111
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed March 23, 1993, 3:24 p.m.]

Original Notice.

Title of Rule: WAC 196-26-020 Engineer and land surveyor fees, fees charged by the department related to the regulation of engineers and land surveyors.

Purpose: Set fees necessary to produce sufficient revenue to offset the cost of regulating the engineering and land surveying professions.

Statutory Authority for Adoption: RCW 43.24.086 and 43.24.140.

Statute Being Implemented: Chapter 18.43 RCW.

Summary: This proposed rule lowers the renewal fee for individuals, corporations and partnerships licensed by the engineers and land surveyors board.

Reasons Supporting Proposal: Implementation of a 1991 statutory amendment (effective July 1, 1993) will result in additional revenue being credited to this program. Therefore, a fee decrease is warranted.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Alan E. Rathbun, 2424 Bristol Court S.W., Olympia, 753-3634.

Name of Proponent: Board of Registration for Professional Engineers and Land Surveyors and the Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes fees necessary to provide sufficient revenue to offset the cost of regulating the engineering and land surveying professions.

Proposal Changes the Following Existing Rules: This proposal lowers the renewal fee for individuals, corporations and partnerships licensed by the engineers and land surveyors board.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Professional Licensing Services, 2424 Bristol Court, Olympia, WA, 3rd Floor Conference Room, on April 29, 1993, at 1:30 p.m.

Submit Written Comments to: Alan E. Rathbun, P.O. Box 9649, FAX (206) 586-0998, Olympia, 98507, by April 28, 1993.

Date of Intended Adoption: April 29, 1993.

March 22, 1993
 Jon M. Clark
 Acting Assistant Director

AMENDATORY SECTION (Amending WSR 91-22-017, filed 10/28/91, effective 11/28/91)

WAC 196-26-020 Engineer and land surveyor fees. The following fees shall be charged by the professional licensing services division of the department of licensing:

Title of Fee	Fee
Engineers:	
Professional engineer application, examination, and certificate	\$ 100.00
Structural engineer application, examination, and certificate	175.00
Professional engineer examination retake	90.00
Structural exam retake	160.00
Comity	100.00
Replacement certificate	25.00
Exam (locally prepared) rescore	50.00
Renewal (per year)	((70.00))
	<u>56.00</u>
Late renewal penalty	((70.00))
	<u>56.00</u>
Duplicate license	15.00
Temporary permit	100.00
Engineer in training:	
Application, examination, and certificate	50.00
Examination retake	50.00
Replacement certificate	25.00
Land surveyor:	
Application, examination, and certificate	100.00
FLS examination retake	40.00
PPLS examination retake	60.00
Comity	100.00
Comity exam retake	60.00
PPLS exam rescore	50.00
Renewal (per year)	((70.00))
	<u>56.00</u>
Late renewal penalty	((70.00))
	<u>56.00</u>
Replacement certificate	25.00
Duplicate license	15.00
Engineer corporation:	
Certificate of authorization	300.00
Renewal	((175.00))
	<u>150.00</u>
Duplicate license	15.00
Replacement certificate	25.00
Engineer partnership:	
Certification of authorization	300.00
Renewal	((175.00))
	<u>150.00</u>
Replacement certificate	25.00
Duplicate license	15.00

WSR 93-07-112
PROPOSED RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Filed March 23, 1993, 3:29 p.m.]

Original Notice.

Title of Rule: Chapter 365-300 WAC, Enhanced 911 funding.

Purpose: To specify by rule the purposes for which moneys may be expended from the enhanced 911 account.

PROPOSED

Statutory Authority for Adoption: RCW 38.52.540.

Statute Being Implemented: RCW 38.52.540.

Summary: This rule sets forth fundable items needed to implement enhanced 911 services statewide and the requirements, priorities, and procedures for counties to apply for funds.

Name of Agency Personnel Responsible for Drafting: Ken Back, 4220 East Martin Way, Olympia, (206) 923-4914; Implementation and Enforcement: Bob Oenning, 4220 East Martin Way, Olympia, (206) 923-4911.

Name of Proponent: Department of Community Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule specifies the purposes for which E911 account moneys may be expended and defines priorities and procedures for funding for counties to implement enhanced 911 services.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: On April 27, 1993, at 12 p.m., Lower Level Conference Room, Public Works Building, West 1026 Broadway, Spokane, WA 99260, (509) 458-6643; and on April 28, 1993, at 12 p.m., Training Room, Federal Way Fire Station #8, 1405 S.W. 312th Street, Federal Way, WA 98023, (206) 839-6101.

Submit Written Comments to: Bob Oenning, Emergency Management Division, Department of Community Development, P.O. Box 48346, Olympia, WA 98504-8346, by April 28, 1993.

Date of Intended Adoption: May 7, 1993.

March 23, 1993

Barbara B. Gooding
Director

**Chapter 365-300 WAC
ENHANCED 911 FUNDING**

NEW SECTION

WAC 365-300-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.540.

NEW SECTION

WAC 365-300-020 Purpose. RCW 38.52.540 establishes the enhanced 911 account in the state treasury and specifies that moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The purpose of this chapter is to specify by rule the purposes for which moneys may be expended from the enhanced 911 account.

NEW SECTION

WAC 365-300-030 Definitions. (1) "9-1-1 voice network" means all switches and circuits which provide the connection between the caller's central office and the public safety answering point.

(2) "Address" means an identification of a unique physical location by street name, number, and postal community. If applicable it also includes the identification of separately-occupied subunits, such as apartment or suite numbers, and where appropriate, other information such as building name or floor number which defines a unique physical location.

(3) "Advisory committee" means the E911 advisory committee established by RCW 38.52.530.

(4) "ALI/DMS (data management system)" means a system of manual procedures and computer programs used to create, store, and update the data required for ALI (automatic location identification) in support of enhanced 9-1-1.

(5) "Alternate routing" means a method by which 9-1-1 calls are routed to a designated alternate location if all E9-1-1 lines to a PSAP are busy.

(6) "Automatic location identification (ALI)" means a feature by which the name and address associated with the calling party's telephone number (identified by ANI feature) is forwarded to the PSAP for display.

(7) "Automatic number identification (ANI)" means a feature that allows for the automatic display of the seven-digit number used to place a 9-1-1 call.

(8) "Central office" means a telephone company facility that houses the switching and trunking equipment serving telephones in a defined area.

(9) "Central office enabling" means the technology that allows the public network telephone switch(s) to recognize and accept the digits 9-1-1.

(10) "Department" means the department of community development.

(11) "Diversity" means a method of assuring continuity of service by using multiple transmission routes to deliver a particular service between two points on a network.

(12) "Master street address guide (MSAG)" means a data base of street names and address ranges within their associated postal communities defining emergency service zones for 9-1-1 purposes.

(13) "Network performance level monitoring" means steps taken by a telephone company to determine that the network is operating properly.

(14) "Night service" means a feature that automatically forwards all 911 calls to a PSAP to an alternate directory number assigned for that PSAP. The alternate directory number may be associated with a secondary PSAP or another alternate destination.

(15) "Public safety answering point (PSAP)" means an answering location for 9-1-1 calls originating in a given area. PSAPs are designated as primary or secondary, which refers to the order in which calls are directed for answering.

(16) "Reverse ALI search capability" means the ability to query the ALI data base to electronically obtain the ALI data associated with a known telephone number for purposes of handling an emergency.

(17) "Selective routing" means a feature that permits a 9-1-1 call to be routed to a predesignated public safety answering point (PSAP) based upon the identified telephone number of the calling party and an address associated with that telephone number.

(18) "TDD (telecommunications device for the deaf)" means a telecommunications device that permits typed

telephone conversations with or between deaf, hard of hearing, or speech impaired people with a machine at their location.

(19) "Telephone system management information system (TSMIS)" means the equipment that records call volume and usage data that is helpful to a PSAP in their staffing and coverage decisions.

(20) "Traffic studies" means studies performed by a telephone company or others that measure the volume of calls made over the 9-1-1 network.

(21) "Uninterruptible power supply (UPS)" means a system designed to provide power, without delay or transients, during a period when the normal power supply is incapable of performing acceptably. UPS must allow operation for at least thirty minutes after loss of commercial power.

NEW SECTION

WAC 365-300-040 Eligible jurisdictions. The counties of the state of Washington shall be eligible to receive funds from the enhanced 911 account.

NEW SECTION

WAC 365-300-050 Fundable items. Enhanced 9-1-1 systems are made up of four main components: Network, data base, customer premise equipment (CPE), and operational items. Both the implementation and maintenance costs of these components will be eligible for funding. The following subcomponents within each of these major components will be eligible for funding from the enhanced 911 account.

(1) **NETWORK:**

- (a) Central office enabling;
- (b) Automatic number identification (ANI) provisioning;
- (c) Selective routing (hardware, software, data base);
- (d) 9-1-1 voice network (B.01/P.01 service level required);
- (e) Automatic location identification (ALI) data link;
- (f) Noncompatible central office switch upgrades;
- (g) Diversity;
- (h) Network performance level monitoring;
- (i) Traffic studies;
- (j) Alternate routing or night service.

(2) **DATA BASE:**

- (a) County or regional provided:
 - (i) Addressing (house number, street, postal community) exclusive of house numbering and street signs;
 - (ii) MSAG development and maintenance.
- (b) Telephone company provided:
 - (i) ALI data base: MSAG development and maintenance; Subscriber record purification.
 - (ii) ALI DMS equipment (for the storage and retrieval of ALI) may be provided by several vendors but the equipment must conform to the interfacing telephone companies standards.

(3) **CUSTOMER PREMISE EQUIPMENT:**

- (a) ANI/ALI display equipment for both primary and secondary PSAPs;
- (b) Telephone system if existing is incompatible with enhanced 911;

- (c) ALI controller;
- (d) ANI controller;
- (e) ALI/DMS equipment (must conform to interfacing telephone company's standards);
- (f) Call detail interface and printer;
- (g) Telephone system management information system;
- (h) Radio communications equipment (if necessary as part of a regional or consolidated E9-1-1 system);
- (i) Uninterruptible power supply (UPS) for telephone system and 9-1-1 equipment;
- (j) Auxiliary generator to support 911 emergency telephone service for backup;
- (k) TDD if existing is incompatible with enhanced 911;
- (l) Recording equipment if existing is incompatible with enhanced 911;

(m) Reverse ALI search capability.

(4) **OPERATIONAL ITEMS:**

(a) Funding necessary to develop the detailed E9-1-1 implementation and budget plan required by the state E9-1-1 office;

(b) Call receiver training;

(c) Increased PSAP staffing needs directly attributable and documentable as being required for E9-1-1 implementation.

(5) **ADDITIONAL ITEMS:**

Additional equipment and local requirements will be considered for funding if they are an element in a regional or consolidated E911 system.

NEW SECTION

WAC 365-300-060 Local plan requirements. Prior to the allocation of funds to a local jurisdiction, other than the allocation of funds to develop local implementation plans and budgets, the local jurisdiction must develop an approved implementation plan and budget. The plans shall detail how each jurisdiction(s) will implement enhanced 911 in the most efficient and effective manner and shall include a proposed implementation schedule and estimate of required state and local resources. Such documents shall be submitted on forms developed by the department and shall be subject to review and approval by the state enhanced 911 coordinator with the advice of the advisory committee.

NEW SECTION

WAC 365-300-070 Funding priorities. Within available revenues, funds will be allocated in the manner best calculated, at the discretion of the state enhanced 911 coordinator, with the advice and assistance of the state enhanced 911 advisory committee, to facilitate the state-wide implementation and operation of enhanced 911. This discretion shall be guided by the following factors:

(1) The nature of existing and planned services in the local jurisdiction. Funds will generally be allocated first to those counties without 911, then to those counties which have some 911 capability, and then to counties which have fully enhanced 911;

(2) Priority will be given to those counties proposing to develop consolidated or regional enhanced 911 systems;

(3) The difference between locally generated revenue and revenue needed to fund services in accordance with the approved local plan and budget;

(4) Funding required in a particular time period for planning purposes;

(5) The differential impacts on local jurisdictions due to the costs and services of enhanced 911 as provided in tariffs approved by the Washington utilities and transportation commission; and

(6) Such additional factors directly related to implementation and operation of enhanced 911 state-wide as may be identified within the local jurisdiction's application for funding and are otherwise consistent with these rules.

NEW SECTION

WAC 365-300-081 Application procedures. The department shall develop an application format and applications shall be made in accordance with this format. The department shall further establish a schedule of annual application dates. Funding awards will be made by the department with the advice and assistance of the advisory committee.

NEW SECTION

WAC 365-300-090 Other rules. Through other state agencies, including the Washington utilities and transportation commission, rules have and will be adopted which will direct the state-wide implementation and operation of enhanced 911. By this reference, this rule is intended to be consistent with and complementary to these other rules.

**WSR 93-07-114
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed March 24, 1993, 8:04 a.m.]**

Original Notice.

Title of Rule: Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance, chapter 296-17 WAC.

Purpose: Revise general reporting rules, classification plan, and corresponding base rate tables applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries.

Statutory Authority for Adoption: RCW 51.04.020(1).

Statute Being Implemented: RCW 51.16.035.

Summary: Agency proposes to establish two new risk classifications; amend fifty-nine risk classification definitions; adjust three experience rating and base rate tables; establish one new experience rating average wage table; discontinue one experience base rate table; and modify four general reporting rules.

Reasons Supporting Proposal: RCW 51.16.035 requires the department to maintain actuarial solvency of the industrial insurance funds and maintain a classification plan. Adjustments to the classification and rating plan reflect changes in Washington industries and/or changes in loss experience by various industries. Revisions to general reporting rules are intended to provide greater clarity to the rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Douglas Connell, Francis

Romero and Ken Woehl, 7273 Linderson, Tumwater, WA, 956-4776.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revisions to the classification plan are intended to provide greater ratepayer equity. Since classifications are keyed to the nature of an employer's business and rates are based on losses sustained by business within a given classification, the more precise the plan, the greater equity to each business. Revisions to general reporting rules are intended to clarify how the classification plan is to be administered and/or how a classification or premium calculation is to be determined. Revisions to base rates are intended to recognize recent loss (claims) experience and reported exposure (hours) over which losses are spread.

Proposal Changes the Following Existing Rules: WAC 296-17-350 Minimum premiums—Assumed worker hours, amend subsection (3) of rule to remove the monetary amount for premium calculation to determine assumed work hours for businesses engaged in building or property management, which will be contained in new proposed WAC 296-17-89501 "average hourly wages"; WAC 296-17-430 General exclusions, amend definition to include new subsection (3) "Diving operations - All operations of diving personnel and ship tenders who assist in diving operations"; WAC 296-17-440 Standard exceptions, amend subsection (3) of this definition to specify classifications 6301, 6302 and 6303 pertain to outside sales personnel which may be considered a standard exception to the basic classifications; WAC 296-17-450 Special agricultural classification rule, amend definition in paragraph (3), lines 3 and 8 to included descriptive language that a division of payroll hours is permitted when noted in a basic agricultural classification, and that separate agricultural classifications shall not be assigned to any agricultural operation which is within the scope of another basic classification assigned to a business; WAC 296-17-538 Classification 1103—Coal merchant operations amend definition to remove wording of lumber yards and building material dealers; WAC 296-17-56101 Classification 2009—Building material and lumber dealers, establish a new classification to include building material dealers and warehouse centers; irrigation, plumbing and pipe dealers; farm supply stores; lumber yards; and hardware stores with inventory of lumber or building material supplies. This classification also proposed to exclude clerical office work, outside sales personnel, repairs conducted away from the shop or plant, and delivery of products to the customer location; WAC 296-17-562 Classification 2101—Grain and feed milling, amend definition to remove farm supply stores from rule; WAC 296-17-58502 Classification 3410—Convenient grocery marts, establish a new classification to include convenient mini market grocery stores or mini markets with self-service gasoline sales; WAC 296-17-686 Classification 6109—Medical clinics, amend definition to include massage therapy service; WAC 296-17-690 Classification 6204—Health clubs, amend definition to remove massage parlors; WAC 296-17-704 Classification 6309—Retail auto and variety, amend definition to reword as hardware and variety stores; WAC 296-17-707 Classification

6403—Retail grocery stores, amend definition to remove the terminology "delicatessens" and to exclude grocery stores with gasoline operations; WAC 296-17-724 Classification 6602—Janitorial services, amend definition to include residential cleaning; WAC 296-17-747 Classification 6902—Log road construction, amend definition to remove the words "basic or primary use" and to add language to clarify log road from other road construction; WAC 296-17-873 Responsibility for past experience, amend definition to remove WAC 296-17-87308 and replace with corrected statute reference of WAC 296-17-87306; WAC 296-17-855 Experience modification, amend primary loss value in subsection (3) sentence 6; WAC 296-17-895 Accident and medical aid funds base rates, amend table to add base rates for new classifications 2009, 3410, 5005 and 5006. Also, amend the base rate for classification 3102; WAC 296-17-89501 Average hourly wage, establish new average hourly wage table to allow (when permissive) individual businesses to divide the classifications' average hourly wage into gross payroll to determine assumed work hours; and WAC 296-17-896 Christmas tree industry base rate revision, repeal definition.

The remaining proposed WAC rule modifications as provided in this section are minor housekeeping changes to better clarify the scope of the risk classification and should have no adverse affect to employer businesses currently assigned any of these risk classifications. They are as follows: WAC 296-17-501 Classification 0101—Land clearing, N.O.C., amend definition to include repair work on roads, streets, and highways, include installation of highway divider, and include sales of salvaged or dismantled railroad track material. Amend to exclude reforestation type activities to be reported separately in risk classification 5006; WAC 296-17-506 Classification 0106—Tree topping/pruning, amend definition to clarify tree topping and tree pruning occurs at residential type areas and includes all incidental activities such as debris removal and chipping; WAC 296-17-50601 Classification 0107—Pipelaying, N.O.C., amend definition to include invisible fence installation; WAC 296-17-50602 Classification 0108—Sewer tank, amend definition to include the installation and repair of underground tanks, N.O.C.; WAC 296-17-510 Classification 0301—Landscape care, amend definition to include activities of new landscape work and existing yard maintenance; WAC 296-17-512 Classification 0306—Plumbing, N.O.C., amend definition to include side sewer work being performed by a plumbing contractor; WAC 296-17-521 Classification 0508—Tank erection, amend definition to add water cooling towers or structures - metal or wood: Erection, maintenance, and repair; WAC 296-17-52102 Classification 0510—Wood frame building, amend definition to remove the word "repair" from wood frame construction rule language; WAC 296-17-52108 Classification 0516—Building repair, amend definition to add playground equipment installation-wood; WAC 296-17-52110 Classification 0518—Building construction, amend definition to include erection of carports and service station canopies, and to remove words "or repair" from definition; WAC 296-17-524 Classification 0603—Heavy machinery and equipment installation, amend definition to add the installation and repair of metal playground equipment; WAC 296-17-526 Classification 0606—Vending machines, amend definition to add coin operated money

collection services; WAC 296-17-527 Classification 0607—Safe installation, amend definition to add rubber dock bumper installation; WAC 296-17-545 Classification 1501—County and taxing district, amend definition to reflect that bus or transit services are separately reported in risk classification 1404; WAC 296-17-555 Classification 2002—Freight handling services, amend definition by rewording to freight handler services; WAC 296-17-568 Classification 2903—Wood product manufacturing, amend definition to include wood boat manufacturing, and to include box assembly work performed at a customer's business; WAC 296-17-56901 Classification 2905—Furniture manufacturing, amend definition to specify this is a shop or plant only class; WAC 296-17-57001 Classification 2907—Cabinet manufacturing, amend definition to specify this is a shop or plant only class; WAC 296-17-57002 Classification 2908—Canopy manufacturing, amend definition to include metal or wood canopy manufacturing; WAC 296-17-57003 Classification 2909—Woodenware assembly, amend definition to specify this is a shop or plant only class; WAC 296-17-572 Classification 3102—Rock wool manufacturing, amend definition to reword as rock wool insulation; WAC 296-17-574 Classification 3104—Talc and plaster mill, amend definition to remove asphalt works; WAC 296-17-579 Classification 3401—Automotive repair, amend definition to include repairs to motor homes, and to include activities occurring with use of a parts department; WAC 296-17-580 Classification 3402—Machine shop manufacturing, amend definition to specify this is a shop or plant only class; WAC 296-17-582 Classification 3404—Metal goods manufacturing, amend definition to specify this is a shop or plant only class; WAC 296-17-58201 Classification 3405—Aircraft parts mfg., amend to cross reference applicable plastic classifications; WAC 296-17-584 Classification 3407—Oil and gas refining, amend definition to include asphalt refining and dealers; WAC 296-17-594 Classification 3602—Electronics manufacturing, amend definition to include metal musical instrument repair; WAC 296-17-604 Classification 3708—Textile manufacturing, amend definition to include industrial size bag or sack making; WAC 296-17-606 Classification 3802—Cloth manufacturing, amend definition to include computer cover manufacturing and to include handbag or pack manufacturing; WAC 296-17-618 Classification 3905—Restaurants, amend definition to include espresso stands or carts; WAC 296-17-61804 Classification 3909—Catering, amend definition to exclude meals on wheels separately reported in risk classification 1101; WAC 296-17-646 Classification 4805—Nurseries, amend definition to specify that reforestation related activities are separately reported in classification 5004; WAC 296-17-669 Classification 5109—Heavy machinery mfg., amend definition to include locomotive engine manufacturing; WAC 296-17-676 Classification 5207—Bowling alleys, amend definition and reword to bowling centers; WAC 296-17-67601 Classification 5208—Iron fabricating, amend definition to specify this is a shop or plant only class; WAC 296-17-67602 Classification 5209—Metal goods manufacturing, amend definition to specify this is a shop or plant only class; WAC 296-17-700 Classification 6305—Retail clothing stores, amend definition to remove retail-dry goods stores; WAC 296-17-708 Classification 6404—Floral shops, amend definition to include plant stores; WAC 296-17-710 Classification 6406—Retail stores,

amend definition to include retail-baseball card stores; WAC 296-17-715 Classification 6502—Banks, amend definition to exclude money collection services; WAC 296-17-721 Classification 6508—Domestic and chore services, amend definition to specify that cleaning or janitorial service businesses are separately reported in risk classification 6602; WAC 296-17-758 Classification 7105—Temporary help company: Clerical office, WAC 296-17-759 Classification 7106—Temporary help company: Retail or wholesale stores, WAC 296-17-761 Classification 7108—Temporary help company: Packaging and repackaging, WAC 296-17-762 Classification 7109—Temporary help company: Electronic and equipment assembly, WAC 296-17-76201 Classification 7110—Temporary help company: Field services, WAC 296-17-76202 Classification 7111—Temporary help company: Medical and health care, WAC 296-17-76204 Classification 7113—Temporary help company: Janitorial or plant maintenance and WAC 296-17-76205 Classification 7114—Temporary help company: Assembly and freight handling, amend the above eight temporary help classification definitions to provide better clarification and/or distinctions between the classifications for use by temporary help companies. Changes include removing the words soft goods, bulk merchandise, and warehousing; and WAC 296-17-777 Classification 7307—Christmas tree farms, amend definition to specify that reforestation related activities are separately reported in classifications 5004, 5005 and 5006.

Small Business Economic Impact Statement: This statement pertains to revisions in chapter 296-17 WAC, proposed by the Department of Labor and Industries to become effective July 1993, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-17 WAC presently defines 298 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance. Base rates are established separately for accident fund and medical aid fund coverage in each risk classification within these rules, and an assessment rate for all risk classifications is prescribed for the supplemental pension. An "experience rating plan" is also established, which provides adjustment of the base industrial insurance rate by class up or down to a "merit rate" based upon past reporting experience of each individual employer. Chapter 296-17 WAC also provides optional rating plans referred to as retrospective rating. These optional rating plans are available on an elective basis to employers and industry groups and provide them with additional opportunities to reduce their workers' compensation insurance costs through accident prevention and active claims management.

Treatment of Small Business Under Existing Rules: Classification definitions are keyed to the nature of an employer's business and/or employment, and are independent of business size. Once identical for all employers within each classification. Experience rating increases or decreases individual employer's accident fund rates, providing rate reductions for favorable past experience and rate increases for unfavorable past experience. Within the experience-rating plan, small employers with loss-free records in the rating experience period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by a maximum modification for

loss-free firms of various sizes in WAC 296-17-890. During 1989 medical aid premiums became subject to experience rating under a three-year phase-in plan. Experience rating of medical aid premiums is achieved in much the same fashion as the accident fund. Employers and industry groups (associations) wishing to further reduce their workers' compensation insurance costs can participate in optional retrospective rating plans. Dependent on the plan selected and the [the] employers' actual losses, adjustments are made to premiums paid in; if actual losses are below expected losses for the plan selected, dividends are paid to the employer. Employers with losses which are greater than expected losses pay additional premiums within the limits as determined by their selected plans.

Effect of Proposed Revisions: Two new risk classifications are being proposed to be added to chapter 296-17 WAC, including corresponding expected losses and base rates applicable to the new classifications. In addition, modifications are proposed to fifty-nine other existing classifications and four general reporting rule, the removal of one base rate table, and the establishment of one average rate table. There is no increase in administrative costs for employers to comply with these changes, since no new records or forms are required for compliance and all other requirements are unchanged.

Hearing Location: On April 30, at 10:00 a.m., Labor and Industries, 901 Monroe Street, Suite 100, Spokane; and on May 3, at 10:00 a.m., Labor and Industries, 7237 Linderson Way S.W., Auditorium, Tumwater.

Submit Written Comments to: Douglas Connell, Assistant Director, Employment Services, 7273 Linderson Way S.W., Tumwater, WA 98504-4142, by May 2, 1993.

Date of Intended Adoption: May 31, 1993.

March 24, 1993

Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 90-13-018, filed 6/8/90, effective 7/9/90)

WAC 296-17-350 Minimum premiums—Assumed worker hours. A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) **Minimum premium.** Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage

of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Building or property management.** Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation by dividing total compensation by ~~((~~\$6.00~~))~~ the average hourly wage for classification 4910 as contained in WAC 296-17-89501 "average hourly wages" to determine reportable assumed hours. Provided that the reportable exposure calculated under this subsection shall not exceed 520 hours per quarter for each worker.

(4)(a) **Commission personnel—Inside employments.** Commission personnel—inside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed exclusively within an office having no duties away from the office. Commission personnel—inside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment unless the employer maintains and presents to the department's representative at the time of audit payroll records that show in detail the name of each such commissioned worker, the actual number of hours worked for each such worker and the date or dates the services were rendered. If actual time records are maintained then such actual hours shall be reported to the department and premiums paid on such actual hours.

(b) **Commission personnel—Outside employments.** Commission personnel—outside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed to perform duties primarily away from the employers premises although some office work may be performed. Commission personnel—outside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: *Provided*, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) **Salaried personnel.** Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: *Provided*, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: *Provided further*, That the department

may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) **Piece workers.** For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: *Provided*, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: *Provided further*, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) **Noncontact sports teams.** All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) **Jockeys and race drivers.** All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: *Provided*, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) **Pilots and flight crew members.** Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: *Provided*, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: *Provided further*, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-430 General exclusions. Some operations are so exceptional or unusual that they are excluded from the scope of all basic classifications. Such operations are referred to as general exclusions and are subject to the division of worker hours rules in all classifications including the standard exception classifications. The following operations are excluded from all basic classifications including the standard exception classifications unless they are specifically included.

(1) Aircraft operation - All operations of the flying crew.

(2) Racing operations - All operations of the drivers and pit crews.

(3) Diving operations - All operations of diving personnel and ship tenders who assist in diving operations.

In addition to the above two listed exclusions, the following operations are similarly excluded from all basic classifications, provided that no division of these operations shall be permitted between the basic classifications assigned to cover these operations and any standard exception classifications.

(a) New construction or alterations by employees of the employer.

(b) Musicians and entertainers.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-440 Standard exceptions. The following employments referred to as standard exceptions are to be separately rated unless these employments are specifically included within the scope of a basic classification by use of words such as "including clerical office and outside sales." (Use of the words "clerical office" will also include draftsmen and use of the words "sales personnel" will also include collectors, messengers and corporate officers.) Provided that a division of a single employee's worker hours shall not be permitted between two standard exception classifications or between a standard exception classification and a basic business classification except as provided in the general exclusion rules of this manual.

The standard exceptions are defined below:

(1) Clerical office employees are defined as those employees whose duties are confined to keeping the books or records of the employer, or conducting correspondence or who are engaged wholly in office work where such books or records are kept or where such correspondence is conducted, having no other duty of any nature in or about the employer's premises. If any clerical office employee is exposed to any operative hazard of the business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed. The clerical office classification shall be applied only to persons as herein described who are employed exclusively in separate buildings or on separate floors of buildings or in departments on such floors which are physically separated from all other work areas of the employer by structural partitions and within which no work is performed other than clerical office duties as defined in this paragraph.

(2) Draftsmen will be considered to be clerical office employees when their duties are limited to office work only and who are engaged strictly as draftsmen in such a manner that they are not exposed to the operative hazard of the business. If any draftsman is exposed to any operative hazard of this business, their entire worker hours shall be assigned to the highest rated classification of work to which they are exposed.

(3) "Sales personnel - outside" covered under risk classifications 6301, 6302, and 6303 are defined as those employees engaged in such duties away from the premises of the employer who sell or solicit new accounts or customers for the employer or who service existing accounts or customers for the employer. Provided that no employee shall be assigned to a sales classification code if their duties include delivery, even though they may also solicit or collect. Employees having delivery duties, even if they walk or use public transportation, shall be assigned to the basic classification of the employer.

(4) Messengers will be considered sales employees, provided the following conditions are met:

(a) The messenger is used solely by the employer in connection with the administration of the employer's business operation.

(b) The operation is not provided to the public as a general delivery service.

(c) The employer's basic classification does not include the standard exception classification designations.

If all the above conditions do not exist, any employee assigned such duties shall be assigned to the governing classification of the employer when multiple basic classifications are assigned or to the basic classification in the event an employer has only a single basic classification assigned.

(5) Corporate officers are defined as those employees of a corporation elected and empowered in accordance with the articles of incorporation or bylaws as officers of the corporation who are also shareholders and serve on the board of directors of the corporation and whose duties are limited to administrative, clerical office and outside sales activities for the corporations. Any corporate officer who performs any duty that relates directly to the operational activities of the business shall be assigned to the basic classification(s) of the employer applicable to the work being performed. A corporate officer engaged exclusively in outside sales shall be assigned classification 6303. In no event however will a corporate officer be assigned the clerical office classification 4904.

With the exceptions of occupations falling within any classification that specifically includes clerical office, inside draftsmen or sales personnel, the following designated occupational classifications shall apply.

Classification 4904 clerical office employees including inside draftsmen.

Classification 6303 sales personnel, outside or away from the employers premises including collectors, counselors, N.O.C., and messengers.

Classification 6301 automobile, truck, camper, trailer, mobile home, motorcycle and pleasure craft sales personnel.

Classification 6302 all door to door sales personnel.

Classification 7101 corporate officers.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-450 Special agricultural classification interpretations. Farming in classifications 4802 through 4806, 4808, 4809, 4810, 4811, 7301, 7302, and 7307 will include farm labor by contractors and farm machinery operations by contractors.

To qualify for separate ratings (classifications), separate and distinct payroll records of each such operation will be required.

If a single establishment or work comprises more than one of classifications 4802 through 4806, 4808, 4809, 4810, 4811, 7301, 7302, and 7307 and the language of the classifications under consideration allow for a division of payroll hours then the premiums shall be computed according to the payroll of each classification provided distinct payroll records have been kept for each such operation, otherwise, the operation will be assigned to the highest rated classification representing any portion of the work being performed. Separate agricultural classifications shall not be assigned to any agricultural operation which is within the scope of another basic classification assigned to the business. For example an employer engaged in the business of raising livestock would not be permitted to report the growing of crops which is used to feed such animals under a separate classification since the risk classification governing livestock farms includes the raising of such crops. The department in its discretion may assess a single rate of premium for an agricultural establishment when a substantial portion of the operation falls within one classification, and in such cases, the entire operation will be required to be reported in such largest classification: *Provided*, That under no circumstance will the hand-picking classification (4806) apply for the purpose of single rating an entire establishment engaged in other phases of agricultural activities. *Provided further*, that farm labor contractors shall be assigned the classification(s) applicable to the agricultural establishment for whom they are providing services.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)**WAC 296-17-501 Classification 0101.**

- Airports, landing strips, runways and taxi ways((?)): Construction and repair
- Alley and parking lot: Construction
- Diking, N.O.C. - including oil spill clean-up involving diking and/or ditching work
- Excavation work, N.O.C.
- Forest trail construction, fire fighting and slash burning, N.O.C.
- Grading work, N.O.C. - including land leveling and grading of farm lands by contractor
- Highway, street and road, N.O.C.: Construction((, N.O.C.,)) and repair - includes operations such as grading, grubbing, clearing, surfacing, striping, guard rail((s,)) highway divider((s)) installation, highway lighting and highway sign((s)) installation
- Humus or peat digging - including humus or peat dealers

Land clearing, N.O.C. - including slope grooming ((~~and forest trail construction, firefighting, and slash burning, N.O.C.~~))

Parking lot striping

Pit, crusher and bunker operations in connection with road, street and highway construction

Railroad((s,)) line: Construction, maintenance and repair, N.O.C., - including the dismantling of tracks and the sale of salvaged track metal and ties

Retaining wall((s)): Construction or repair when done in connection with road, street and highway construction, N.O.C.

Sand ((s,)) gravel, or shale: Digging, N.O.C.

Tunnels and approaches - including lining, cofferdam work, shaft sinking, and well digging with caisson

This classification excludes bridge construction which is to be reported separately ((rated under risk)) in classification 0201 ((WAC 296-17-508)) although such a structure may be constructed as a part of a highway, street or road construction project(~~(- This classification further excludes);~~ logging road construction ((~~rated under risk~~)) which is to be reported separately in classification 6902 ((WAC 296-17-747)); (~~railroad bridge construction rated under risk classification 0201 (WAC 296-17-508) "bridge construction";~~) log railroad construction ((~~rated under risk~~)) which is to be reported separately in classification 6902 ((WAC 296-17-747)); and tunnels and approaches - including lining, cofferdam work, shaft sinking and well digging with caisson done in connection with dam construction ((~~rated under risk~~)) which is to be reported separately in classification 0701 ((WAC 296-17-528)).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)**WAC 296-17-506 Classification 0106.**

Tree topping and pruning, N.O.C. (~~(, includes spraying or fumigating in connection with tree topping, repairing or trimming)) - use of this classification is limited to employers engaged in providing a variety of tree care services such as tree topping and tree pruning. Work performed subject to this classification will generally take place in residential areas, or settings adjacent to roadways, parking lots, business parks, shopping malls. A primary purpose of this work is to remove tree or branch hazards from power lines or building structures. This classification includes all the incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree topping or limbing operation, spraying or fumigating, and debris removal. This classification excludes tree pruning done in connection with an orchard operation which is to be reported separately in classification 4803; tree pruning done in connection with a nursery operation which is to be reported separately in classification 4805; tree topping or tree pruning done in connection with a public or private forest, range land operation which is to be reported separately in classification 5004; or tree pruning done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307.~~

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-50601 Classification 0107.

Invisible fence installation

Pipelaying, N.O.C.

Utility line construction: Underground type, N.O.C. - including television cable, power, and telephone lines.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-50602 Classification 0108.

Ditches and canals, N.O.C.

Sewer construction

Septic tank installation, including drainfield construction

Tanks, N.O.C. - underground type: Installation and repair.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-510 Classification 0301.

~~((Agricultural irrigation pipe installation, service or repair
Agricultural sprinkler system installation, service or repair
Chemical spraying and fumigating~~

~~Landscape gardening~~

~~Landscaping and lawn yard care~~

~~Lawn type sprinkler systems installation, service or repair~~

~~This classification includes sodding, seeding, planting, and related landscape work for the beautification of median strips and roadsides but excludes crop dusting by aircraft rated under risk classification 6903 (WAC 296-17-748) and ditches and canals rated under risk classification 0108 (WAC 296-17-50602).))~~ Landscape gardening

Lawn and yard care

This classification includes all work related to employers engaged in landscaping or lawn and yard care such as planting or replanting a lawn, including mixing and spreading top soil, seeding or sodding, chemical spraying or fertilizing; all lawn care such as mowing, edging, and thatching; planting and caring for trees, shrubs, and plants; installing, servicing, or repairing underground lawn or landscape sprinkler systems; weeding flower beds; spreading decorative rock or garden bark; and the construction of incidental arbors or trellis and rock or brick paver walkways when done in connection with landscaping or lawn care project or contract

This classification also includes the installation, service, and repair of above and below ground agricultural sprinkler/irrigation systems and the planting; spraying or fumigating trees, shrubs, and plants when done separate from and not in connection with or incidental to tree care services and care of landscape for the beautification of median strips and roadsides

This classification excludes chemical spraying by aircraft which is to be reported separately in classification 6903; land clearing or grading operations which are to be reported separately in classification 0101; construction or maintenance of ditches or canals which are to be reported separately in classification 0108; tree care services by contractor which are to be reported separately

in risk classification 0106; or contract forest and range land service activities for public or private landowners are to be reported separately.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-512 Classification 0306.

Boilers, N.O.C., installation, service or repair including boiler scaling and tank erection within buildings

Hot water heater - installation, service, or repair

Plumbing, N.O.C.; including incidental side sewer hook ups (street to house) when performed by a plumbing contractor subject to this classification, and only when it is performed as a part of a plumbing contract which includes installation of water lines and waste carry systems within a building; and sewer pipe cleaning including services provided by Roto Rooter or similar service providers engaged in line cleaning or unplugging. Side sewer hookups done as a separate contract is to be separately reported in classification 0101 "Excavation"

Pump installation, service or repair, N.O.C.

~~((Sewer pipe cleaning, including Roto Rooter or similar service providers~~

~~Side sewer installation (street to house hook ups) including service or repair))~~

Sprinkler installation - automatic

Steam pipe, boiler, etc., covering insulation

Water softening or treatment systems - installation of new equipment systems.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-521 Classification 0508.

Blast furnace and metal burners construction

Crane or derrick installation

Elevated railway, tram, lift, etc., construction, maintenance and repair

Exterior tanks - all types - erection, maintenance or repair, N.O.C.

Oil still or refinery construction. Excludes plant maintenance by contractor which is to be reported separately under risk classification 0603

Radio, television, water towers, poles and towers, N.O.C. - erection, maintenance and repair

Smokestacks - erection, maintenance and repair

Water cooling towers or structures - metal or wood: Erection, maintenance, and repair

Windmills - all types, erection, maintenance and repair, silo erection

This classification includes erection of skeletons for pillars, posts and like columns, all excavations, foundation work, and dismantling and repairing of above types of structures.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-52102 Classification 0510.

Wood frame building construction((;)) or alteration, ((~~or repair~~)) N.O.C.

For the purposes of this rule wood frame building construction means buildings erected exclusively of wood or wood products.

This classification includes all building framing activities done in connection with wood frame building construction including the placement of roof trusses, sheathing roofs, installation of exterior building siding, and installation of exterior doors and door frames whether performed by a general or specialty contractor.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52108 Classification 0516.

Building repair and carpentry, N.O.C.

Playground equipment: Installation - wood.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-52110 Classification 0518.

Building construction, N.O.C., including alterations ((~~or repairs~~))

Carport construction - metal: Erection

Service station canopy - metal: Erection.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-524 Classification 0603.

Dynamos((;)): Installation, service and repair including electrical generators and turbines

Engines and gas machines: Service and repair including installation ((and)), replacement of drive belts, erection of shafting

Machinery: Installation, service and repair ((and millwright work)) - including installation and repair of escalator and conveyor systems, printing presses, and commercial laundry equipment N.O.C. and millwright work, N.O.C.

Playground equipment - metal: Installation and repair

This classification includes the dismantling of all the above types of machinery and will also include plant maintenance by contractor which will be rated as millwright work.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-526 Classification 0606.

Amusement devices, N.O.C.: Installation, service, repair, and removal - coin-operated in stores and shopping malls

Coin-operated machines - money collecting service

Fire extinguisher sales and service

Vending or coin-operated machines, operation, installation maintenance and service, includes product preparation by vending company

This classification excludes honor snack food services which will be reported under risk classification 1101 driver delivery sales, provided that in the event such an operation is conducted as a part of and in connection with an operation rated in this classification (0606), risk classification 0606 will be assigned to cover both operations.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-527 Classification 0607.

Advertising display service for stores within buildings

Dead bolt installation - new construction by locksmith

Drapes or curtain: Installation

Household appliances - electrical: Installation, service and repair

Meat slicer or grinder: Installation, service and repair

Rubber dock bumper: Installation

Safes and vaults((;)): Installation and removal

Television antenna or satellite disc: Installation and repair

Venetian blinds and shades((;)): Installation

This classification will include installation, service and repair of radio and television receiving sets, two-way radio, car stereo systems and radio-television repair.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-53504 Classification 1007.

~~((Lumber inspectors~~

~~Foresters, forest rangers, timber cruisers and surveyors~~

~~Log scaling and grading bureaus~~

~~Shingle and shake inspection and grading bureaus~~

~~Inspection and grading bureaus, N.O.C.~~

~~Geophysical exploration, N.O.C., no core drilling~~

~~Weather stations~~

~~Testing and inspecting of pipe lines - radiographers~~

~~Weigh scale attendants~~

~~Prospectors~~

~~X-raying by contractor at industrial plants or construction sites~~

~~Rainmaking - not by aircraft.))~~

Foresters, forest rangers, timber cruisers and surveyors

Geophysical exploration, N.O.C., no core drilling

Inspection and grading bureaus, N.O.C.

Log scaling and grading bureaus

Lumber inspection services

Prospectors

Rainmaking - not by aircraft

Surveyor services, N.O.C.

Testing and inspecting of pipe lines - radiographers

Weather stations

Weigh scale attendants, N.O.C.

X-raying by contractor at industrial plants or construction sites

Classification 1007, classification 5004, and classification 5005 shall not be assigned to the same risk unless the operations described by these classifications are con-

ducted as separate and distinct businesses and each business has separate and distinct employees.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-538 Classification 1103.

Coal merchants, solid fuel yards, firewood dealers, excludes operations subject to risk classification 1004 (WAC 296-17-53501), risk classification 1702 (WAC 296-17-549), risk classification 1703 (WAC 296-17-550), risk classification 5001 (WAC 296-17-659).
~~((Lumber yards, building material dealers, not done in connection with or incidental to a manufacturing or processing plant operation also excluding yard operations rated under risk classification 1002 (WAC 296-17-524.)))~~

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-545 Classification 1501.

Counties and taxing districts, N.O.C., all other employees
 Housing authorities, local public, all other employees including meter readers
 Indian tribal councils, all other employees

This classification excludes ~~((hospital districts subject to risk classification 6105 (WAC 296-17-682); library districts, museum districts and school districts subject to risk classifications 6103 (WAC 296-17-680) and 6104 (WAC 296-17-681); port districts subject to risk classification 4201 (WAC 296-17-629); public utility districts subject to risk classification 1301 (WAC 296-17-539) and 1507 (WAC 296-17-546); law enforcement officers subject to risk classification 6905 (WAC 296-17-750); and fire fighters subject to risk classification 6904 (WAC 296-17-749)))~~ public utility districts subject to risk classification 1301 (WAC 296-17-539) and 1507 (WAC 296-17-546); bus or transit services subject to risk classification 1404; port districts subject to risk classification 4201 (WAC 296-17-629); library districts, museum districts and school districts subject to risk classifications 6103 (WAC 296-17-680) and 6104 (WAC 296-17-681); hospital districts subject to risk classification 6105 (WAC 296-17-682); fire fighters subject to risk classification 6904 (WAC 296-17-749); and law enforcement officers subject to risk classification 6905 (WAC 296-17-750)

This classification also excludes clerical office and white collar employees.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-555 Classification 2002.

Freight handler(s) services - packing, handling or shipping merchandise N.O.C.
 Refrigeration car(s) - loading, unloading or icing
 This classification also includes employees engaged in repackaging of goods from damaged containers.
 This classification excludes drivers or other employees with driving duties which are to be reported separately under

risk classification 1102 without a division of work hours.

NEW SECTION

WAC 296-17-56101 Classification 2009.

Building material dealers, warehouse centers, home improvement centers, and lumber yards: Wholesale or retail
 Pump, plumbing, irrigation pipe, and pipe supply dealers: Wholesale or retail
 Farm supply stores: Wholesale or retail
 Hardware stores with lumber or building material supplies: Wholesale or retail
 For the purposes of this rule the term "building materials" includes but is not limited to such items as wallboard, roofing, insulation, sheet metal, bricks, blocks, windows, etc.
 This classification includes all store and yard operations with inventory of building material, lumber and lumber products. Such stores may also carry a variety of hardware items, hand and power tools, paints, floor coverings, garden supplies, housewares, and similar types of products
 This classification excludes delivery drivers which are to be separately rated under risk classification 1101 "Delivery-stores: Retail/wholesale." This classification further excludes all other activities conducted away from the shop or plant operation.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-562 Classification 2101.

Grain milling, feed mills, feed manufacture(s) - including preparation of cereal or compound feeds for livestock ~~((Farm supply stores))~~
 Flour mills
 Hay, grain or feed dealers
 Seed merchants including operation of seed sorting machinery.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-568 Classification 2903.

Boat: Manufacturing, repair, or refinish - wood
Box, shook, pallet, bin: Manufacturing, assembly or repair - wood - including assembly work performed at the customer's place of business
 Door, jamb, window, sash, stair, molding and miscellaneous millwork manufacturing, prehanging or assembly - wood
 Furniture stock manufacturing - wood
 Lumber remanufacturing
 Sign manufacturing - wood
 Truss manufacturing - wood
 Veneer products manufacturing
 Wood chip, hog fuel, bark, bark flour, presto log and lath manufacturing
 Wood products manufacturing or assembly N.O.C.

Sawmill operations to be reported separately under risk classification 1002. Veneer manufacturing to be reported separately under risk classification 2904

~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-56901 Classification 2905.

Furniture and casket manufacturing or assembly - wood
Furniture refinishing including repair - wood
Furniture refinishing with no repair work is to be reported separately under risk classification 3603

Physically separated upholstery departments of firms engaged in furniture or casket manufacturing, assembly or finishing may be reported separately under risk classification 3808, and in accordance with WAC 296-17-410

~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-57001 Classification 2907.

Cabinet, countertop, and fixture: Manufacturing, modifying or assembly - wood

~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-57002 Classification 2908.

Truck canopy: Manufacturing metal or wood - shop only
Housing((-)) - residential((-)) type: Factory-built((-)) - shop only

Mobile homes, campers and travel trailers: Manufacturing - shop only

This classification excludes fiberglass canopy manufacturing which is to be reported separately in classification 3511.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-57003 Classification 2909.

Woodenware: Household and sporting goods manufacturing or assembly, N.O.C.

This classification excludes wood products manufacturing or assembly reported under risk classifications 2903, 2905, and 2907

~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all installation activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-572 Classification 3102.

Rock wool insulation: Manufacturing((-)) - digging or quarrying to be separately rated.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-574 Classification 3104.

Plaster mills and whiting manufacturing, quarrying to be separately rated

Talc mills and emery works

Asbestos products manufacturing, including spinning or weaving, mica goods manufacturing

Soapstone or soapstone products manufacturing, marble cutting and polishing, slate milling

Stone cutting or polishing, N.O.C., away from quarry

Plasterboard or plaster block manufacturing

~~((Asphalt works, grinding, pulverizing or mixing asphalt))~~

Coating of building materials, N.O.C. - shop operations

Monument dealers who do stonecutting, engraving or sandblasting.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-579 Classification 3401.

Automobile, truck, body and fender repair shops, including painting and incidental upholstery and glass repair

Automobile, truck, motor home, mobile home, camper, and trailer sales and/or rental agency((-)) - including parts departments, repair shops, and canopy sales ~~((and))~~ -

Includes canopy installation by dealers subject to this classification((-)) subclassification. This subclassification also includes passenger shuttle services done in connection with rental or repair services

Automobile((-)) or truck((-)): Repair shops or garages - including parts departments

Automobile((-)) or truck service specialty shops - including sales, installation and repair of air conditioning systems, electrical systems, cruise controls, mufflers, and sun roofs

Boat dealers((?)) - including repair shops and parts departments

Marinas and boat house operations((?)) - including repair shops and parts departments

Motor home - service and repair shops including parts departments

This classification will include mobile home delivery and set-up when done by employees of the mobile home sales agency.

Contractors doing set-up and delivery of mobile homes who are not employees of the mobile home sales agency will be rated under risk classification 0517 (WAC 296-17-52109).

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-580 Classification 3402.

- Abrasive wheel manufacturing
- Air compressor manufacturing or assembly, elevator manufacturing, gear grinding or manufacturing
- Automobile or truck, radiator and heater core manufacturing and repair shops
- Auto body manufacturing - truck, trailer, bus body manufacturing, travel trailer body repair
- Auto or motorcycle manufacturing or assembly
- Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.
- Auto or truck parts, machining or rebuild not in vehicle
- Battery manufacturing, assembly and repair: Storage type
- Bed spring or wire mattress manufacturing
- Confectioners machinery manufacturing or assembly, food processing machinery manufacturing or assembly, precision machined parts, N.O.C., manufacturing
- Coppersmithing, shop
- Die castings manufacturing
- Furnace, heater or radiator manufacturing
- Heat treating metal
- Lead burning, metal spraying - copper
- Machinery manufacturing or assembly, N.O.C.
- Machine shops, N.O.C., including mobile shops, tool sharpening and marine engine repair
- Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing, N.O.C.
- Office machinery manufacturing or assembly, N.O.C., cash register and sewing machine manufacturing or assembly
- Photo processing machinery manufacturing or assembly
- Power saw, lawn and garden equipment and small motor repair, N.O.C.
- Printing or bookbinding machinery manufacturing or assembly
- Pump manufacturing or assembly, safe manufacturing or assembly, scale manufacturing or assembly including repair, auto jack manufacturing or assembly, water meter manufacturing or assembly including repair
- Saw manufacturing or assembly
- Sewing machine, commercial - repair and rebuild
- Shoe machinery manufacturing or assembly, sprinkler head manufacturing or assembly, textile machinery manufacturing or assembly
- Small arms, speedometer and carburetor manufacturing or assembly including rebuild

Tool manufacturing, machine finishing
Tool manufacturing, not hot forming or stamping, die manufacturing - ferrous

Valve manufacturing

Welding or cutting, N.O.C. including mobile operations

~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. ~~((Unless outside activities are specifically provided for they are to be separately rated))~~ This classification excludes all activities away from the shop or plant

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated within this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-582 Classification 3404.

- Aluminum ware manufacturing - from sheet aluminum
 - Auto or truck parts manufacturing or assembly N.O.C. - miscellaneous stamped parts
 - Awning manufacturing or assembly - metal
 - Brass or copper goods manufacturing
 - Cans manufacturing - aluminum or galvanized
 - Coffin-casket manufacturing or assembly, other than wood
 - Electric or gas lighting fixtures, lampshades or lantern manufacturing or assembly - metal
 - Furniture, shower-door, showcases - not wood - manufacturing or assembly
 - Galvanized iron works, manufacturing - not structural
 - Hardware manufacturing, N.O.C.
 - Metal goods manufacturing, N.O.C., from material lighter than 9 gauge
 - Metal stamping, including plating and polishing
 - Sign manufacturing - metal
 - Ski manufacturing and toboggan manufacturing other than wood
 - Stove manufacturing, excluding wood stove manufacturing and other stoves made from material 9 gauge or heavier rated under risk classification 5209 (WAC 296-17-67602)
 - Water heater manufacturing or assembly
 - Window, sash or door manufacturing or assembly - aluminum
 - Physically separate upholstery departments of firms engaged in furniture, coffin or casket manufacturing, assembly, or finishing may be separately rated under risk classification 3808 (WAC 296-17-612), and in accordance with WAC 296-17-410
- ~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. ~~((Unless outside activities are specifically provided for they are to be~~

~~separately rated~~) This classification excludes all activities away from the shop or plant

This classification includes the repair of items being manufactured or assembled when done by employees of an employer having operations rated in this classification when the repair is done as a part of and in connection with the manufacturing or assembly operation.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-58201 Classification 3405.

Aircraft parts manufacturing, N.O.C.

For the purpose of this rule; aircraft parts means the component parts making the aircraft operative and becoming part of the aircraft when being manufactured by the aircraft manufacturing company

Provided that this classification will not be assigned to an employer who has operations rated in risk classification 3402 (WAC 296-17-580); risk classification 3404 (WAC 296-17-582); risk classification ~~((3508 (WAC 296-17-592)))~~ 3510 (WAC 296-17-59202); 3511 (WAC 296-17-55203); 3512 (WAC 296-17-59204); or risk classification 5201 (WAC 296-17-670) unless such operations are conducted as a distinct and separate business undertaking and rated in accordance with WAC 296-17-390

This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-584 Classification 3407.

~~((Gas or oil dealers, wholesale or retail, including fuel oil, propane or butane~~

~~Asphalt, bitumen dealers~~

~~Oil refining-petroleum, including manufacturing of products obtained therefrom~~

~~Gasohol distilling or refining~~

~~Asphalt or tar, distilling or refining~~

~~Oil wells operation - oil or gas lease operators~~

~~Oil or gas wells - cementing~~

~~Oil or gas wells - specialty tool operation, N.O.C., by contractor~~

~~Oil or gas wells - installation or recovery of casing~~

~~Gas dealers, liquified petroleum gas, gas works, all operations~~

~~Oil or gas lease work, N.O.C. - by contractors - not lease operation~~

~~Oil or gas pipe line operation~~

~~Synthetic rubber manufacturing~~

~~Gasoline recovery from casing head or natural gas.)~~

Asphalt, bitumen dealers

Asphalt or tar, distilling or refining

Asphalt paving material - manufacturing

Asphalt roofing material - manufacturing

Gas dealers, liquified petroleum gas, gas works, all operations

Gas or oil dealers, wholesale or retail, including fuel oil, propane or butane

Gasohol distilling or refining

Gasoline recovery from casing head or natural gas

Oil or gas lease work, N.O.C. - by contractors - not lease operation

Oil or gas pipe line operation

Oil or gas wells - cementing

Oil or gas wells - installation or recovery of casing

Oil or gas wells - specialty tool operation, N.O.C., by contractor

Oil refining-petroleum, including manufacturing of products obtained therefrom

Oil wells operation - oil or gas lease operators

Synthetic rubber manufacturing.

NEW SECTION

WAC 296-17-58502 Classification 3410.

Convenient grocery stores or mini markets with self-service gasoline operations.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-594 Classification 3602.

Camera manufacturing or assembly including repair in shop
Dental laboratories

Electric cordset radio and ignition assembly

Electronic circuit board assembly, N.O.C.

Electronic products manufacturing; resistors, capacitors, chip and relays manufacturing

Fishing tackle manufacturing, N.O.C., including assembly

Incandescent lamp manufacturing, electric tube or transistor manufacturing

Instrument manufacturing, scientific, medical or professional
Jewelry manufacturing or engraving

Magnetic tape manufacturing

Motion picture projectors manufacturing or assembly including repair in shop

Musical instrument repair - metal

Silverware manufacturing, watch case manufacturing

Sound recording equipment, thermometer and steam gauge manufacturing

Stereo components manufacturing or assembly

Tag, button, zipper or fastener manufacturing, bottle cap manufacturing

Telegraph or radio apparatus manufacturing, N.O.C.

Telephone set manufacturing or repair, N.O.C.

Trophy engraving

Watch manufacturing

This is a shop or plant only classification although the classification allows for repair work when specified it is contemplated that such repairs are limited to those brought into the shop by the customer or sent through a common carrier. This classification excludes all outside repair work

This classification does not apply to the production of raw material for use in the manufacturing of the above articles.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-604 Classification 3708.

- Abrasive cloth preparation
- Awning, tent, sail, flag, wind sock or sleeping bag: Manufacturing
- Bag or sack - industrial size: Manufacturing or renovating - cotton, burlap, gunny, nylon, or textile
- Braid, net, plush and velvet, thread, webbing and yarn: Manufacturing
- Broom and brush: Manufacturing or assembly
- Carpet or rug: Manufacturing
- Cordage, rope or twine: Manufacturing
- Cotton batting, wadding or waste: Manufacturing
- Cotton cord or cotton twine: Manufacturing
- Fire hose: Manufacturing from linen thread
- Fishing rod wrappings: Manufacturing
- Life preservers and canvas goods: Manufacturing, N.O.C.
- Linoleum, oil cloth or imitation leather: Manufacturing
- Match: Manufacturing
- Mattress or box springs: Manufacturing - no manufacturing wire springs or excelsior
- Nylon or synthetic goods: Manufacturing, N.O.C.
- Parachutes, suspenders, fur goods and bandages: Manufacturing
- Pillow, quilt or cushion: Manufacturing including stuffed animal or doll manufacturing
- Spinning or weaving - natural or synthetic fibres, N.O.C.
- Taxidermists and hide pelting
- Textile: Manufacturing, N.O.C.
- Wader, wet suit, and survival suit: Manufacturing
- Wool combing or scouring.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-606 Classification 3802.

- Artificial feather or flower: Manufacturing, N.O.C.
- Clothing or cloth goods: Manufacturing, N.O.C.
- Cloth printing
- Computer covers and accessories: Manufacturing, N.O.C. - cotton, nylon, or other textiles
- Dressmaking or tailoring
- Fabric: Coating, impregnating or waterproofing, N.O.C.
- Gloves: Manufacturing, N.O.C.
- Handbags or packs: Manufacturing - cotton, nylon, or other textile
- Hosiery: Manufacturing
- Lace, embroidery, cloth hats, umbrella and draperies: Manufacturing
- Millinery: Manufacturing
- Textiles: Bleaching, dyeing, or finishing - new goods, not garments
- Wig making.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-618 Classification 3905.

- Cocktail and soft drink lounges

- Commissaries and restaurants with construction, erection, logging or mine operations
- Eating establishments, N.O.C., such as public lunch counters in stores, ice cream parlors, popcorn stores or stands, and retail candy stores with on premise manufacturing
- Espresso/coffee stands and carts
- Food, drink, candy, etc. concessionaires at parks, tracks and exhibitions including vending concessionaires dispensing food, drink, candy, etc. at ball parks, race tracks, theatres and exhibitions
- Restaurants and taverns
- This classification is not applicable to street vendors or route food services who shall be rated under class 1101 (WAC 296-17-536).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-61804 Classification 3909.

- Caterers
- Meals on wheels
- This classification excludes route food services reported separately, in risk classification 1101.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-646 Classification 4805.

- Christmas tree sales from u-cut farms or retail sales lots
- Nurseries((?)) - including incidental greenhouse operations ((~~incidental thereto~~))
- This classification applies to all acreage devoted to nursery operations ((~~and~~)) including tree nurseries and sod growing
- Classification 4805 and classification 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.

AMENDATORY SECTION (Amending WSR 91-12-014, filed 5/31/91, effective 7/1/91)

WAC 296-17-669 Classification 5109.

- Heavy arms: Manufacturing or repair
- Heavy machinery and equipment: Manufacturing or repair
- Press rollers: Recoating or resurfacing
- Locomotive engine: Manufacturing or repair.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-676 Classification 5207.

- Bowling ((~~alleys~~)) centers
- Skating rinks - ice or roller
- This classification includes food and beverage operations.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-67601 Classification 5208.

Brass, bronze, iron-ornamental - shop fabricating, assembly and manufacturing
Iron or steel works, shop, fabricate or assemble structural iron or steel
Iron works - shop - fabricate, assemble or manufacture nonstructural iron or steel
Iron works - shop - manufacturing railings, staircases, fire escapes, etc.

~~((This is a shop or plant only classification but does contemplate work being performed in an adjacent yard when operated by an employer having operations subject to this classification~~

~~Unless outside activities are specifically provided for they are to be separately rated.))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-67602 Classification 5209.

Boilermaking, tank building (shop)
Metal goods manufacturing, N.O.C., from material 9 gauge or heavier
Wood stove manufacturing

~~((This is a shop or plant only classification but does contemplate))~~ Unless otherwise specified in the subclassification wording this is a shop or plant only classification. This classification includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification

~~((Unless outside activities are specifically provided for they are to be separately rated.))~~ This classification excludes all activities away from the shop or plant.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-686 Classification 6109.

Childbirth classes
Chiropractors, N.O.C.
Dental clinics, N.O.C.
Dentists, N.O.C.

Massage therapy services - This subclassification excludes massage practitioners employed by a health club, gymnasium, saunas or bath house which are to be reported separately in classification 6204

Medical clinics, N.O.C.

Midwife services

Naturopaths, N.O.C.

Optometrists, N.O.C.

Physical therapists, N.O.C.

Physicians and surgeons, N.O.C.

Psychologists and psychiatrists, N.O.C.

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-690 Classification 6204.

Baths or saunas, N.O.C.
Exercise or health institutes
Gymnasiums
Health clubs,

~~((Massage parlors~~

~~This classification includes clerical office and sales personnel.))~~

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-700 Classification 6305.

Clothing stores - retail
Concessions for hat and coat checking
~~((Dry goods stores - retail))~~
Shoe stores - retail

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-704 Classification 6309.

Automobile, truck, motorcycle accessory or replacement parts stores, wholesale/retail - excluding repairs
Bicycle stores - wholesale/retail, including repairs
Custom picture or u-frame stores - wholesale/retail, including repairs

~~((Electrical hardware dealers - wholesale/retail, excluding repairs~~

~~Garden supply stores - wholesale/retail, excluding repairs))~~

Gun stores - wholesale/retail, including repairs

Hardware variety stores ((-), N.O.C.: Wholesale/retail((-)) - excluding ((repairs)) any operation that sells lumber or building materials which will be separately reported in risk classification 2009 and small engine repair which is to be separately reported in classification 3402

Locksmiths, including repairs but excluding installation of dead bolt locks or similar activities which will be separately reported in risk classification 0607

Stained art glass stores - wholesale/retail, excluding manufacturing

Wood stove and accessory stores - wholesale/retail excluding installations or repairs

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-707 Classification 6403.

Coffee, tea or spice stores - retail
Dairy products stores - retail
~~((Delicatessens - retail, no fresh meat))~~
Fruit or vegetable stores - retail

Convenient grocery stores or mini markets - retail, N.O.C. excluding operations which include the sales of gasoline which are to be reported separately under classification 3410

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-708 Classification 6404.

Florists stores wholesale/retail
 Balloon arrangement stores wholesale/retail
Plants: Interior household type - potted or planted, sales or leasing including plant watering and maintenance services associated with indoor plants

This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 86-18, filed 5/30/86, effective 7/1/86)

WAC 296-17-710 Classification 6406.

Baseball card stores - retail
 Book, record, video stores - retail
 Camera/photo supplies stores - retail
 Candy, cigarette and tobacco stores - retail
 Coin and stamp stores - retail
 Coin operated arcades, excluding repair rated under risk classification 0606 (WAC 296-17-526)
 Drug stores - retail
 Dry cleaning - coin operated self service
 Fabric and yardage stores, yarn and needle work stores - retail
 Floor covering stores, carpet sample stores, retail - excluding installation which will be rated in risk classification 0502 (WAC 296-17-517)
 Laundromats, coin operated self service
 Microwave oven and stereo component stores - retail
 Musical instrument stores - retail, excluding piano or organ stores which will be rated in risk classification 6306 (WAC 296-17-701)
 News butchers or news/magazine stands - retail
 Office stationery stores, and office machinery stores including microcomputer and copy machines excluding repair
 Paint/wallpaper stores - retail
 Pawn shops
 Pet shops - retail including incidental pet grooming
 Private mailbox, safety deposit box or computer tape storage facilities
 Retail stores, N.O.C.
 Sewing machine stores - retail
 Sporting goods stores - retail
 Telephone stores - retail
 Variety and five and ten cent stores - retail
 Wine stores and retail liquor agencies; soft drink stores
 This classification includes clerical office and sales personnel, but excludes all on premise manufacturing of any kind, repair work, delivery drivers, outside installation, lunch counters and restaurant operations which are to be separately rated.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-715 Classification 6502.

Banking
 Check cashing services(~~(, provided that in the event such an operation is conducted as a part of or in connection with an operation rated in classification 6406, classification 6406 will be assigned to cover both operations))~~)

Credit unions
 Financial institutions, N.O.C.
 Investment companies
 Loan companies
 Mortgage companies
 Savings and loan associations
 Stock brokers and escrow companies
 This classification includes clerical office and sales personnel.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-721 Classification 6508.

Chore services
 Domestic servants employed in or (~~outside~~) about the private residence(s) of ((homeowners)) their employer. This classification excludes all temporary or intermittent domestic (residential) cleaning or janitorial services which are to be reported separately on risk classification 6602.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-724 Classification 6602.

Janitorial cleaning services, N.O.C. - including contract window cleaning
 Janitors, N.O.C.
 Pest control. This category applies to operations involved in the control and extermination of pests by the use of pesticides, rodenticides and fumigants
 Portable cleaning and washing, N.O.C. - includes auto and truck washing, recreational vehicles and mobile homes. This category will include roof cleaning and washing of single story buildings, but only if the washing is not incidental to painting or roof repair
Residential cleaning or residential janitorial services
 Swimming pool cleaning
 Termite control. This category applies to operations involved in the control and extermination of termites and other wood-destroying pests or organisms by fumigation or spraying of poisonous insecticides. Does not include structural repair
 Window washing services.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-747 Classification 6902.

Logging railroad construction or maintenance
 Logging road construction or maintenance

For the purposes of this rule logging roads are roads for which the (~~primary or initial usage~~) basic use is for the transporting of logs by truck (~~or rail and~~). This classification includes roads constructed on public or private lands in connection with timber sales or logging, such as roads being constructed in accordance with the state department of natural resources or the United States Forest Service timber sales

~~((This classification)).~~ Roads constructed subject to this classification are comprised of dirt and/or crushed rock. Operations covered include(~~s~~) grading, grubbing, clearing of right-of-way and including culverts and bridges, but excludes falling, bucking of right-of-way timber or any of the other logging activities as enumerated under risk classification 5001 (WAC 296-17-659) This classification excludes the construction of asphalt or concrete type roads which are to be reported separately in risk classification 0101 (WAC 296-17-501)

See risk classification 5206 (WAC 296-17-675) for permanent yard operations.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-758 Classification 7105.

Temporary help company: Office support services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged wholly in office work for such customers. This classification (~~would~~) includes occupations such as clerks, typists, receptionists, secretaries, accountants, actuaries, attorneys, bank tellers, bookkeepers, word processors, data entry and computer operators, programmers, drafters, designers, graphic artists, technical writers, technical illustrators, design engineers, library assistants, telemarketers, and dispatchers, prepress work for printers, bindery - collating by hand, and mail clerks who do not operate equipment. Mail clerks who operate equipment are to be reported separately in risk classification 7109. Employees subject to this classification are not required to physically be located in a clerical office. The test is whether or not they perform clerical office work as described in this classification. A division of worker hours is not permitted between this classification and any other classification.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-759 Classification 7106.

Temporary help company: Retail or wholesale store services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in activities related to a store operation as opposed to a warehouse or repackaging operation. Activities may include a combination of clerical type duties and those that require minimal physical lifting. This classification includes occupations such as cashiering, stocking, beauticians, gift wrappers,

buyers, product demonstration, booth aids, modeling, outside sales, and inventory taking.

For the purposes of this section, inventory taking is limited to those services provided to store operations which are performed exclusively at ground level. Inventory taking utilizing ladders, step stools, or at any height or when performed for customers not engaged in store operations are to be reported separately in risk classification 7114 provided they do not operate equipment or machinery.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-761 Classification 7108.

Temporary help company: (~~Warehousing~~) Packaging and repackaging of (~~soft goods, retail products, and pharmaceuticals~~) dry goods such as clothing, wearing apparel, textile, and related articles of trade; retail products such as books, china, and glassware; and pharmaceuticals as part of the distribution and preshipping process

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are engaged in warehousing or repackaging of items such as clothing, fabric, yarn, shoes, glassware, art, linens, kitchenware, drugs and pharmaceutical preparations, computer discs, bulk film or cassette tapes and records. This classification excludes any assembly or freight handling of wood, metal, plastic, or masonry products to be reported separately in risk classification 7114 provided they do not operate equipment or machinery.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-762 Classification 7109.

Temporary help company: Electronic, precision, and scientific equipment assembly and nonfield technician services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers (~~and who are~~) engaged (~~in tailoring or dressmaking or~~) in the assembly of electronic or biomedical equipment and employees engaged in printing and bindery work. This classification includes occupations such as electronic assemblers, mechanical assemblers, electro-mechanical assemblers, quality control inspectors, test technicians, kit pullers, storekeepers, upholsterers, laboratory technicians, printers, offset operators, lead typesetters, and bindery workers.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76201 Classification 7110.

Temporary help company: Field engineer and field technician services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers who are engaged in duties away from the customers premises and who are providing field engineering, field

technician, traffic counters and surveying services, telephone installation and service within buildings, vending machine service and parking lot or garage attendants, weigh scale attendants, and service station attendants excluding mechanics.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76202 Classification 7111.

Temporary help company: Health care, medical laboratory, quality control services, testing laboratories, N.O.C., homemaker services and home health services.

This classification applies to employees of a temporary help company who are assigned on a temporary basis to its customers and who are providing health care services and includes such employments as therapists, nurses, nurses aides, physicians, dental hygienists, laboratory technicians and assistants.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76204 Classification 7113.

Temporary help company: Janitorial, plant or facility supplemental maintenance and groundskeeping services.

This classification applies to employees of a temporary help company assigned on a temporary basis to its customers and who are engaged in janitorial work, preoccupancy building cleanup, plant maintenance, and groundskeeping ~~((work))~~ or grounds maintenance work to an existing landscape such as mowing lawns, pruning shrubs and weeding ~~((or grounds maintenance of existing landscape))~~ as compared to new landscape construction work. Landscape workers involved exclusively in hand labor work such as raking, digging, using wheel barrow to haul soil, beauty bark or decorative rock, whether performed as maintenance of existing landscape or new landscape work are subject to this risk classification (7113). Separately report employees engaged in exterior window cleaning, debris or building material cleanup and removal, and new landscape construction (i.e., clearing of land, installation of underground sprinkler systems, moving boulders) in risk classification 7118. Tree removal to be reported separately in risk classification 7121. A division of worker hours is not permitted between this classification and any other classification.

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-76205 Classification 7114.

Temporary help company: Assembly work~~((, N.O.C.))~~ and freight handling~~((bulk merchandise)), N.O.C.~~

This classification applies to employees of a temporary help company assigned on a temporary basis to ~~((it*))~~ customers ~~((and who are))~~ of a temporary help company engaged in the assembly of wood, metal, ~~((or))~~ plastic, or masonry products ~~((and freight handling of bulk merchandise who do not operate power driven machinery or equipment. Employees assigned to this classification~~

~~may, however, use small power driven hand tools in the assembly process and hand trucks for moving bulk merchandise))~~ during shipping or receiving; and freight handling such as furniture, tires, and other products made of wood, metal, plastic, or masonry products during shipping and receiving. Employees assigned this classification could use small power driven hand tools in the assembly process, and nonpower pallet jacks and hand trucks for the freight handling activity. This classification also includes inventory takers, N.O.C. Employees whose duties include the operation of power driven equipment or machinery, although they may also be engaged in assembly work or freight handling activities, are to be reported without division of hours in risk classification 7117.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-777 Classification 7307.

Christmas tree farms - all operations including planting, pruning, harvesting, baling, packing and delivery ~~((Report))~~ Retail operations (i.e., cashiers, parking attendants, customer assistants, etc.) of Christmas tree u-cut farms or retail sales lots are to be reported separately in ~~((risk))~~ classification 4805 ~~(("Christmas tree sales."))~~

Classification 7307 and classification 5004 shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses and each business has separate and distinct employees.

AMENDATORY SECTION (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{\text{Ap} + \text{W} \text{Ae} + (1 - \text{W}) \text{Ee} + \text{B}}{\text{E} + \text{B}}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation

at its full value. For each claim in excess of (~~(\$7,548)~~) \$8,348 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{20,870}{\text{Total loss} + 12,522} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than \$8,348 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "WAe" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"Ee" signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

AMENDATORY SECTION (Amending WSR 90-20-092, filed 10/1/90, effective 11/1/90)

WAC 296-17-873 Responsibility for past experience. WAC 296-17-87301 through (~~(296-17-87308)~~) 296-17-87306 shall be used to determine the assignment of past loss experience associated with a change in business ownership for experience rating purposes. It is the intent of these rules that every firm (business) shall be responsible for its past experience irrespective of ownership as long as the firm (business) continues to conduct operations which are subject to Washington Workers' Compensation Act. When a business or portion of a business is sold, the new owner or owners of such business or portion thereof shall also take over the past loss experience associated with the business unless another treatment is specified in these rules.

AMENDATORY SECTION (Amending WSR 92-24-063, filed 11/30/92, effective 1/1/93)

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, 1993	
	Accident Fund	Medical Aid Fund
0101	1.3562	0.8068
0102	1.1831	0.7772
0103	1.2746	0.9604
0104	1.9171	0.9649
0105	1.0710	0.8129
0106	3.4704	2.9709
0107	1.2079	0.7104
0108	1.2131	0.7262
0109	4.1863	2.2000
0201	2.6905	1.2297
0202	2.3937	1.8065
0206	1.9933	0.9746
0301	0.5046	0.4480
0302	1.8512	1.0096
0306	1.0027	0.6812
0307	0.7735	0.5221
0403	1.1169	0.9198
0502	1.0907	0.6713
0504	1.4330	0.8373
0506	3.7193	2.3116
0507	3.0587	1.8660
0508	3.2851	1.7153
0509	1.9305	1.2039
0510	1.4215	0.9776
0511	1.1511	0.8003
0512	1.7616	1.0393
0513	0.7006	0.5424
0514	1.4215	0.9776
0515	2.2631	1.2488
0516	1.4215	0.9776
0517	1.8693	1.3690
0518	1.6814	0.9454
0519	1.5426	1.1417
0601	0.5910	0.4429
0602	0.3802	0.2722
0603	0.7728	0.5291
0604	0.9382	0.8080
0606	0.2050	0.2311
0607	0.2200	0.2447
0608	0.2268	0.2090
0701	2.5730	0.9821
0803	0.3153	0.2777
0804	0.8980	0.6033
0901	1.7522	1.0563
1002	0.9038	0.6860
1003	0.5654	0.4370
1004	0.5654	0.4370
1005	4.0436	2.3656

1007	0.2421	0.2384	3408	0.0775	0.0710
1101	0.4723	0.4404	3409	0.0881	0.0935
1102	1.2247	0.7593	<u>3410</u>	<u>0.1244</u>	<u>0.1693</u>
1103	0.3845	0.3793	3501	0.7793	0.6066
1104	0.4984	0.4649	3503	0.1717	0.2461
1106	0.1533	0.2121	3506	0.7736	0.5232
1108	0.3693	0.3736	3509	0.3711	0.3813
1109	0.5929	0.6501	3510	0.3709	0.3978
1301	0.2687	0.2363	3511	0.5551	0.5364
1303	0.1918	0.1526	3512	0.2989	0.3326
1304	0.0189	0.0222	3602	0.0747	0.1000
1305	0.2642	0.2723	3603	0.3031	0.3318
1401	0.6025	0.5784	3604	1.1878	0.9317
1404	0.4791	0.3804	3605	0.3959	0.3525
1405	0.4462	0.4280	3701	0.2261	0.2129
1501	0.3391	0.2901	3702	0.4754	0.4003
1507	0.2631	0.2662	3707	0.3693	0.3431
1701	1.7173	0.8602	3708	0.2475	0.2497
1702	1.7173	0.8602	3801	0.1903	0.1769
1703	0.4367	0.2968	3802	0.1610	0.1542
1704	0.8728	0.6119	3808	0.2392	0.2305
1801	1.0271	0.6125	3901	0.1223	0.1457
1802	0.7018	0.5944	3902	0.3959	0.4150
2002	0.4838	0.4897	3903	0.8778	1.0268
2003	0.3505	0.3678	3905	0.1075	0.1619
2004	0.6646	0.5938	3906	0.4096	0.4052
2005	0.2516	0.3213	3909	0.2169	0.2573
2007	0.3194	0.3778	4002	0.5957	0.4928
2008	0.2300	0.1923	4101	0.1771	0.1847
<u>2009</u>	<u>0.2284</u>	<u>0.2433</u>	4103	0.1835	0.2240
2101	0.5513	0.4904	4107	0.0950	0.1192
2102	0.3505	0.3678	4108	0.1771	0.1847
2104	0.2462	0.2812	4109	0.1771	0.1847
2105	0.5569	0.4010	4201	0.2166	0.1787
2106	0.3632	0.3451	4301	0.6725	0.6281
2201	0.2144	0.2087	4302	0.6441	0.4673
2202	0.4112	0.4415	4304	0.4854	0.5138
2203	0.2545	0.2382	4305	1.0515	0.7161
2401	0.3774	0.3714	4401	0.5035	0.4278
2903	0.5581	0.5669	4402	0.5774	0.5677
2904	0.5260	0.5016	4404	0.5112	0.4093
2905	0.4082	0.4302	4501	0.1172	0.1137
2906	0.3971	0.3111	4502	0.0388	0.0364
2907	0.4261	0.3937	4504	0.0592	0.0883
2908	0.8144	0.7543	4601	0.5230	0.5781
2909	0.5044	0.4881	4802	0.2727	0.2507
3101	0.6926	0.4546	4803	0.2205	0.2646
(3102)	0.5444	0.4043	4804	0.3959	0.4257
<u>3102</u>	<u>0.2475</u>	<u>0.2497</u>	4805	0.2433	0.2814
3103	0.5444	0.4043	4806	0.0709	0.0804
3104	0.4703	0.4040	4808	0.3953	0.3911
3105	0.8577	0.6457	4809	0.2039	0.2425
3303	0.1969	0.1982	4810	0.1396	0.1527
3304	0.5450	0.5319	4811	0.2007	0.2320
3309	0.2534	0.3459	4812	0.4289	0.3582
3401	0.3549	0.3146	4813	0.2297	0.2026
3402	0.3594	0.3395	4901	0.0421	0.0407
3403	0.1490	0.1455	4902	0.0373	0.0343
3404	0.3420	0.3629	4903	0.0421	0.0407
3405	0.2719	0.2458	4904	0.0134	0.0169
3406	0.1515	0.1826	4905	0.2187	0.2879
3407	0.3139	0.2478	4906	0.0492	0.0520

4907	0.0599	0.0565	6508	0.2881	0.3195
4908	0.0594	0.1449	6509	0.1511	0.1962
4909	0.0594	0.1449	6601	0.1512	0.1855
4910	0.2861	0.3199	6602	0.3373	0.3638
5001	4.8736	2.6222	6603	0.2194	0.2509
5002	0.4677	0.3939	6604	0.0533	0.0506
5003	1.5978	0.7891	6605	0.2912	0.3338
5004	3.7047	2.4216	6607	0.0946	0.1388
5101	0.6044	0.6010	6608	0.2516	0.1668
5103	0.6836	0.6582	6614	242.9600**	243.0000**
5106	0.4113	0.4833	6615	181.4600**	181.5000**
5108	0.6829	0.5278	6616	23.9600**	24.0000**
5109	0.4801	0.3780	6617	17.9600**	18.0000**
5201	0.3095	0.2841	6618	74.4600**	74.5000**
5204	0.9111	0.6399	6704	0.1150	0.1312
5206	0.3717	0.2776	6705	0.6658	0.8162
5207	0.0946	0.1388	6706	0.3072	0.3706
5208	0.8212	0.6878	6707	10.92*	14.04*
5209	0.5615	0.5805	6708	2.9840	4.7390
5301	0.0176	0.0208	6709	0.1240	0.1980
5305	0.0317	0.0351	6801	0.2533	0.2070
5306	0.0333	0.0335	6802	0.2315	0.3004
5307	0.3235	0.2948	6803	1.7944	0.3742
6103	0.0356	0.0559	6804	0.1698	0.1703
6104	0.2093	0.2243	6809	1.7223	4.3701
6105	0.1512	0.1682	6901	0.0000	0.0514
6107	0.0936	0.1200	6902	0.6124	0.3647
6108	0.3786	0.4339	6903	5.5078	3.0977
6109	0.0346	0.0392	6904	0.1955	0.1759
6110	0.3772	0.3829	6905	0.2067	0.2229
6201	0.1398	0.1504	6906	0.0000	0.2229
6202	0.4615	0.4221	6907	1.1261	0.8476
6203	0.0613	0.0777	6908	0.2960	0.3045
6204	0.1251	0.1677	6909	0.0515	0.0623
6205	0.1251	0.1677	7101	0.0255	0.0242
6206	0.1251	0.1677	7102	14.92*	35.74*
6207	0.7034	1.0241	7103	0.2266	0.1823
6208	0.2091	0.2493	7104	0.0180	0.0244
6209	0.1463	0.2103	7105	0.0326	0.0308
6301	0.0984	0.0836	7106	0.1864	0.1694
6302	0.1289	0.1334	7107	0.2049	0.1806
6303	0.0508	0.0564	7108	0.1951	0.2102
6304	0.1020	0.1581	7109	0.2295	0.2386
6305	0.0462	0.0599	7110	0.3002	0.2572
6306	0.1819	0.2112	7111	0.4784	0.3941
6308	0.0365	0.0356	7112	0.6000	0.4314
6309	0.0961	0.1199	7113	0.7207	0.4911
6402	0.2113	0.2085	7114	0.4900	0.6102
6403	0.1414	0.1957	7115	0.5678	0.4252
6404	0.1102	0.1507	7116	0.5975	0.4644
6405	0.4774	0.4437	7117	1.2033	1.5882
6406	0.0585	0.0779	7118	2.5149	2.1891
6407	0.1403	0.1764	7119	1.9203	1.4793
6408	0.2707	0.2833	7120	5.4453	4.7457
6409	0.3787	0.3492	7121	5.4051	4.7085
6410	0.1232	0.1429	7201	0.6643	0.4982
6501	0.0647	0.0714	7202	0.0331	0.0356
6502	0.0170	0.0198	7203	0.0873	0.1437
6503	0.0667	0.0501	7204	0.0000	0.0000
6504	0.2801	0.4300	7301	0.5502	0.4881
6505	0.0817	0.1052	7302	0.5181	0.6348
6506	0.0526	0.0679	7307	0.7514	0.7246

7308	0.1583	0.2148
7309	0.1238	0.1980

* Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

** These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

NEW SECTION

WAC 296-17-89501 Average hourly wage effective July 1, 1993. The following table represents the average hourly wage rate to be used when computing worker hours in accordance with WAC 296-17-350(6).

Class	Average hourly wage
4802	6.50
4803	6.50
4804	7.50
4805	7.50
4806	5.00
4808	7.50
4809	7.00
4810	6.00
4811	6.00
4812	12.00
4813	5.50
4910	8.50
7301	9.00
7302	7.50
7307	6.50
7309	6.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-17-896 Christmas tree industry base rate revision.

WSR 93-07-115
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed March 24, 1993, 8:06 a.m.]

Original Notice.

Title of Rule: WAC 296-15-022 Corporate guarantee, 296-15-023 Entities included in certification, 296-15-030 Surety requirements, 296-15-060 Administrative cost assessment, and 296-15-065 Self-insurers' insolvency trust.

Purpose: To clarify definitions and terminology used by the department, to more accurately determine surety levels, to adjust newly certified firms' administrative assessment rates and to clarify the insolvency trust board's authority.

Statutory Authority for Adoption: RCW 51.04.020.

Statute Being Implemented: RCW 51.04.020, 51.14.020, and 51.14.077.

Summary: The amendments clarify surety terminology, provide the use of a paid loss method in addition to an

incurred loss method to determine surety levels and provide a cap to the surety required from a firm with aggregate excess insurance; adjust the administrative assessment rate for new self insurers and clarify the insolvency trust board's authority.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Georgia C. Moran, Olympia, 956-6907.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These amendments clarify the department's surety terminology and requirements, provide an additional method for determining a firm's surety level and clarify the statutory authority of the insolvency trust board. The amendments will allow the department to more accurately determine the surety levels needed to cover workers' compensation benefits and assessments and, in so doing, provide additional safeguards to the self insurance community which assumes the responsibility when a firm defaults in the provision of benefits. Approximately 85 percent of the 360 self insured firms' surety levels will remain the same or decrease by 15 to 20 percent. The remainder will experience a small increase in their surety levels.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not because the rule does not impact any small businesses. In order to qualify to self insure, a firm must demonstrate the financial ability to make certain the prompt payment of all foreseeable compensation and assessments required under the law. As such, only large firms are certified. All self insured employers have more than 50 employees (each).

Hearing Location: Labor and Industries Headquarters, 7273 Linderson Way, Room S126, Tumwater, on April 30, 1993, at 10 a.m.

Submit Written Comments to: Georgia C. Moran, Assistant Director of Self Insurance, P.O. Box 44890, Olympia, 98504-4890, by April 30, 1993.

Date of Intended Adoption: May 14, 1993.

March 24, 1993
Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

WAC 296-15-022 Corporate guarantee. If ~~((the))~~ an applicant ~~((employer))~~ for self-insurance certification is a subsidiary, the parent firm ~~((will))~~ shall furnish the department with its guarantee to assume and be responsible for the workers' compensation liabilities of the subsidiary in the event the subsidiary firm is unable or unwilling to cover these liabilities. If a self-insurer is purchased by another firm, which becomes its parent, the parent ~~((must))~~ shall provide the department with its most recent audited financial

statement and its guarantee. This guarantee is to be on a form (~~prescribed~~) provided by the department. For the purposes of this rule, a parent firm is defined as one which owns fifty percent, and/or has a controlling interest in, another firm which shall be considered to be a subsidiary. Failure by a parent to provide a guarantee for its self-insured subsidiary will result in the surety requirement of the subsidiary being established at one hundred twenty-five percent of what would otherwise be required as specified in WAC 296-15-030. Surety at the level of one hundred twenty-five percent of the normal requirement will continue to be required as long as no parental guarantee has been provided.

AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

WAC 296-15-023 Entities included in certification.

(1) The certification of a firm will include all of its subsidiaries or divisions doing business in the state of Washington. A subsidiary is defined, for the purpose of this rule, as an entity which is fifty percent owned and/or has its interest controlled by another single firm.

(2) One certificate will be issued to an approved self-insurer, including all subsidiaries or divisions. The entities will be considered as one employer for all purposes of Title 51 RCW.

AMENDATORY SECTION (Amending WSR 90-24-039, filed 11/30/90, effective 12/31/90)

WAC 296-15-030 Surety requirement. Subsections ~~((+))~~ (2) through ~~((6))~~ (7) and ~~((9))~~ (10) through ~~((+))~~ (12) of this section shall apply only to individual self-insurers (~~except~~) and joint ventures and shall not apply to counties, cities, school districts, municipal corporations, and individual accounts participating in group self-insurance programs. Subsection ~~((8))~~ (9) of this section shall apply only to counties, cities, municipal corporations, and school districts not participating in group self-insurance programs. Group self-insurance programs are subject to subsection ~~((7))~~ (8) of this section and reserve requirements set forth in WAC 296-15-02601(3) and 296-15-02605. Subsections ~~((+))~~ (1) and (13) of this section (~~applies~~) apply to all self-insurers.

(1) For the purposes of this section, the following definitions apply:

(a) "Developed reserves" means an estimate of the total remaining cost of the claims of an accident year made by use of development factors.

(b) "Development factor" means an actuarially determined factor which expresses the changes in either incurred or paid liability from one year to the next.

(c) "Incurred liability" means the total cumulative amount paid plus the total amount reserved for future payments on all claims of an accident year.

(d) "Loss development" means the historical change in the incurred or paid liability of an accident year due to the additional payment of benefits or the revaluation of claim reserves as a result of changes in the claimant's condition, the reopening of claims, or the opening of claims incurred but not previously reported.

(e) "Loss development analysis" means the actuarial projection of ultimate claim liability which a self-insured employer may expect to pay for all claims reported to the department each year as of December 31 based on the historical development of liability.

(f) "Paid liability" means the total cumulative amount paid on the claims of an accident year.

(g) "Reported reserves" means the estimated dollar amount adequate to cover claim costs through closure.

(2) Upon approval of an application for certification to self-insure, the director shall review the matter and notify the employer of the amount of surety which must be provided to secure the payment of compensation and assessments, pursuant to RCW 51.14.020 as now or hereafter amended. This amount as so established may be satisfied by the employer's supplying of cash, corporate or governmental securities approved by the director, or a bond, written by a company admitted to transact surety business in this state, in favor of the department. A self-insurer with a net worth of not less than five hundred million dollars may also provide surety in the form of an irrevocable standby letter of credit issued by a federally or state chartered commercial bank authorized to conduct business in this state. Cash and securities of a self-insurer shall be deposited with an escrow agent approved by the director and administered pursuant to a written agreement between the department, the self-insurer and the escrow agent. Cash and securities shall be registered in the name of the escrow agent on behalf of the self-insurer. The originals of all surety documents submitted by self-insurers after acceptance by the director will be kept on file in the department.

~~((2))~~ (3) The minimum amount of surety required for initial certification as a self-insurer shall be the projected average current cost of a permanent total disability claim including medical, time-loss, pension reserve, and any other miscellaneous claim costs paid prior to award of the pension. This average cost shall be calculated by the department on an annual basis.

The surety required for initial certification as a self-insurer may be greater than the minimum amount described above. In establishing such surety requirements, the department shall estimate the following amounts:

(a) The estimated amount of accident and medical aid fund premium that the self-insurer would have paid to the state fund during the first year of self-insurance, if it had remained in the state fund.

(b) The estimated amount of incurred benefits for the first year of self-insurance, based on past experience with the state fund, adjusted for intervening changes in benefit schedules and exposure.

If either or both of the above amounts exceed the minimum surety requirement described in this section, the department will require the larger of (a) or (b) of this subsection as the surety requirement for initial certification as a self-insurer.

(c) Provided that, the initial surety requirement for a self-insurer may be based on an estimate of the expected average annual incurred losses, made by an independent qualified actuary.

(d) The surety required in accordance with the above procedures may be adjusted by the department if there are

other known conditions which may alter the self-insurer's potential claim costs and/or its ability to pay them.

~~((3))~~ (4) The surety requirement for each self-insurer will be subject to review and increased or decreased at such times as the director deems necessary to maintain the adequacy of these requirements. To facilitate this review a self-insurer's annual report (SIF #7) shall be required in the form prescribed by the director and supplied to all self-insurers.

Surety requirements shall not be increased unless and until one or more of the following conditions are met:

(a) An estimate of the self-insurer's outstanding claim liabilities, made by either the self-insured employer or the department, exceeds the amount of surety in force; or

(b) The projected average current cost of a permanent total pension claim including medical, time-loss, pension reserve, and any other miscellaneous claim costs paid prior to award of the pension, exceeds the surety in force for the employer by twenty-five thousand dollars or more.

~~((4))~~ (5) In determining the surety requirement after the initial three years of certification, the department will make an analysis of the self-insurer's ~~((history of))~~ loss development using both incurred and paid methods. The analysis will ~~((provide average))~~ result in factors for each period of loss development ~~((by measuring historical changes in incurred losses. These factors will be applied to reported incurred liabilities for each accident year to arrive at the expected total incurred liability. The estimated remaining incurred liability, at a given calendar year end, will be the result of subtraction of claims payments made to date))~~.

(a) These factors will be used to estimate the developed reserves within each method, as follows:

(i) The reported incurred liability for each accident year will be multiplied by its development factor resulting in the developed incurred liability after any appropriate subtraction of amounts for secured pensions and anticipated recoveries from excess insurance.

(ii) The reported paid liability for each accident year, without these subtractions, will be multiplied by its development factor resulting in the developed paid liability.

(iii) The developed reserve estimates made by the incurred and paid methods will be the result of subtracting the amount of benefits paid to date from the developed liability estimated by the respective methods.

(b) The surety required to secure the self-insurance reserves reported at the end of each calendar year will be determined by the percent of difference between the developed reserves estimated by the incurred method and the developed reserves estimated by the paid method. Whether the paid estimate is higher or lower than the incurred estimate, the paid estimate will be subtracted from the incurred estimate. The resulting difference will be divided by the incurred estimate to determine the percent of difference. The surety requirement will then be established as follows:

(i) In cases where the difference between the estimates is less than twenty-five percent, the surety will be established at the level of the incurred estimate.

(ii) In cases where the difference between the estimates is twenty-five percent or more but less than forty percent, the surety will be established at the average of the two estimates.

(iii) In cases where the difference between the estimates is forty percent or more, the department will make such adjustments to its procedure for estimating developed reserves as necessary. The surety will be established at the resulting estimate.

(iv) The surety required of a self-insurer will not be less than the current minimum surety requirement, with the exception that surety will not be required to increase to the minimum level unless the conditions indicated in subsection (4) of this section are met.

(c) The following special considerations shall apply in adjusting surety requirements for a self-insurer:

(i) Pension claims - Reserve amounts attributable to death or permanent total disability claims independently secured by means of a bond or assignment of account, and which are included in estimates of outstanding claim liabilities as shown on the self-insurer's annual report (SIF #7), shall be deducted from estimates of outstanding claim liabilities made in accordance with other provisions of this section.

(ii) Reinsurance - Anticipated recoveries under reinsurance policies held by a self-insurer must be documented by the self-insurer and reported to the department to qualify for consideration in establishing surety requirements. Such anticipated recoveries shall be applied to either the self-insurer's estimate of outstanding claim liabilities as shown on the most current self-insurer's annual report (SIF #7) or the department's estimate of the self-insurer's outstanding liabilities made in accordance with this rule, whichever is greater. If the resulting estimate of claim liabilities net of reinsurance recoveries is less than the surety requirement imposed by this rule without adjustment for reinsurance, the surety requirement shall be reduced accordingly; provided, that surety requirement imposed upon initial certification of a self-insurer or the minimum surety requirement may be retained by the department regardless of other estimates of claim liabilities for the self-insurer.

(iii) Strict application of loss development factors based upon the loss development analysis presumes a consistency of reserving methodology and results for the self-insurer. If the department determines that an employer has changed its reserving methodology in such a way as to invalidate loss development factors based upon past experience, then the department shall make such adjustments to the procedure as it may deem appropriate under the circumstances.

(iv) The department will give due consideration to any estimate of the self-insured employer's outstanding claim liabilities made by an independent qualified actuary. Such independent actuarial estimates are optional and not required by this rule.

(v) The department may allow a cap to the surety required of a self-insurer for each policy period in which there has been aggregate excess workers' compensation insurance. The cap will be equal to the dollar amount resulting by subtraction of the total benefits paid for the period from the policy retention amount.

(A) This cap shall be allowed only if the following criteria have been met prior to the annual determination of the surety requirement:

(I) The excess insurance company shall specify in writing that it will reimburse the department for any claims

costs the department may incur if the self-insurer defaults and the department has paid the benefits.

(II) The self-insurer shall provide, in addition to its regular annual report (SIF-7), a report showing the claims costs and reserves by policy period for the time there is aggregate excess insurance.

(III) Any change in the retention amount for a policy period shall be communicated in writing to the department by the excess insurance company.

(B) The department will compare its estimate of the self-insurer's developed reserves for each policy period to the policy retention amount for that period less the benefits paid to date. The cap will be allowed if the developed reserves are greater. A reduction in a self-insurer's surety requirement will not be allowed for an anticipated recovery from specific excess insurance if a cap is allowed for aggregate excess insurance. The self-insurer shall provide surety for the amount of developed reserves exceeding any limit of the excess insurance coverage for a policy period.

~~((b))~~ (d) Any changes to the existing surety required by the department based on the loss development analysis shall be due by July 1 of each year, or an authorized extension date, and such changes shall provide adequate surety for all self-insured workers' compensation liabilities of the employer, regardless of when those liabilities were incurred.

~~((5))~~ (6) Surety must be submitted on a department-approved form. This form requires coverage of all past, present, and future liabilities. The only exceptions which would allow coverage from the effective date forward are the self-insurer's initial surety or surety which continues coverage provided by other cancelled surety. If a bond is provided in an amount equal to the self-insurer's current surety requirement, on a department-approved form covering all liabilities, all other surety will be released. The department will have sole authority to determine in which order surety is used in the event of a default.

~~((6))~~ (7) When an employer surrenders its certificate to self-insure, it must continue to provide surety at the level determined by the department. The Annual Report of Self-Insured Business (SIF #7) must continue to be filed as long as quarterly reporting is required. A bond existing at the time of surrender of certificate may be cancelled, but it continues to provide surety for claims occurring prior to its cancellation. Any increase in surety required must be in the form of cash or securities deposited into an escrow account if a bond or letter of credit cannot be provided. All surety will be held until there is no further possibility of benefit payments.

~~((7))~~ (8) A self-insurer's annual report (SIF #7) shall be required of group self-insurance programs on the form supplied by the department.

~~((8))~~ (9) The surety requirement for counties, cities, school districts, and municipal corporations shall provide for sufficient revenues to satisfy one hundred percent of the estimated claims for the succeeding fiscal period. The minimum security requirement shall be one hundred thousand dollars. In addition, a cumulative reserve of not less than twenty-five percent of the surety requirement must also be established. This cumulative reserve may be in the form of a bond, cash or securities in an escrow account, or any acceptable legal source of funding.

By July 1 of each year, each county, city, school district, or municipal corporation shall certify, on a form supplied by the department, its estimated claims liability and the revenues to meet those obligations. Documentation must be provided showing the estimated claims liabilities, the source(s) of revenues, and detailing accounts identified for the self-insurance obligations. Documentation of the cumulative reserve must specify the type of funding and reflect the account balance. Surety requirements for governmental units shall be subject to a periodic review by the department.

~~((9))~~ (10) An employer meeting the financial requirements specified in RCW 51.14.020(2) may provide the department with an irrevocable standby letter of credit to satisfy the surety requirement specified for its self-insurance obligations. An employer using a letter of credit must provide the department with a memorandum of understanding, on a form supplied by the department, agreeing to the following conditions:

(a) The letter of credit providing surety for the self-insurer's workers' compensation claims liability will cover all past, present, and future liability of the self-insurer regardless of any date of injury.

(b) Unless the department is notified otherwise, by registered mail at least sixty days prior to its expiration date, the letter of credit will be automatically extended without amendment for an additional one-year period.

(c) The self-insurer may substitute a bond and/or cash or securities deposited into an escrow account, in an amount designated by the department, as replacement for the letter of credit.

(d) If the department is notified that the letter of credit will not be renewed and no acceptable replacement surety is provided within thirty days of receipt of such notice, the department will draw the full value of the letter of credit. All proceeds of the letter of credit will be deposited with the accident fund under a subsidiary ledger account. Accrued interest in excess of the self-insurer's surety requirement will be returned semiannually. If the self-insurer provides acceptable replacement surety at a later date, the proceeds will be returned.

(e) If, in addition to not providing replacement surety for a nonrenewed letter of credit, the self-insurer then defaults on payment of its workers' compensation liabilities, the proceeds of the letter of credit previously deposited with the accident fund and the accrued interest will be used to provide for payment of the self-insurer's workers' compensation liabilities.

(f) If the self-insurer's letter of credit remains in force and the self-insurer defaults on the payment of its workers' compensation liabilities, the department will draw the full value of the letter of credit. The proceeds will be deposited and accounted for as indicated in (d) of this subsection and, with the accrued interest, used to provide for payment of the self-insurer's workers' compensation liabilities.

(g) Legal proceedings initiated by any party with respect to the letter of credit shall be subject to the courts and laws of the state of Washington.

~~((10))~~ (11) Letters of credit provided by self-insurers as surety are subject to acceptance by the department. Acceptance will include, but not be limited to, approval of

the financial condition of the banking institution issuing the letter of credit.

(a) A bank must provide to the department an audited financial statement or call report made to the banking regulatory agencies for the most recent fiscal year. The financial information from such banks must be provided with the first letter of credit issued and annually during the period that any letter of credit is in effect.

(b) A letter of credit will not be accepted if the amount of the credit exceeds the legal limit allowed to the bank.

(c) A letter of credit will not be accepted unless the issuing bank is able to accept presentment of drawings on the credit at an office in this state.

~~((11))~~ (12) Letters of credit and any amendments to letters of credit must be on forms supplied by the department. The department's interest in a letter of credit will be released if the self-insurer provides a bond or acceptable cash or securities deposited into an escrow account in the amount required by the department.

~~((12))~~ (13) Failure to provide active surety in the amount required by the department will result in the withdrawal of certification.

AMENDATORY SECTION (Amending Order 86-25, filed 7/1/86)

WAC 296-15-060 Administrative cost assessment.

(1) Assessments levied by the department against each self-insurer shall be based on the self-insured employer's proportionate share of the administrative costs determined to be attributable to self-insurers, including expenses of the safety division, the industrial insurance division, the University of Washington environmental research facility, the board of industrial insurance appeals, appeals expenses and other general administrative expenses.

(2) ~~The ((director shall determine the)) administrative assessment rate shall be determined on a fiscal year basis ((prescribing the self-insured employer's share of the attributable costs determined pursuant to the provisions of)) as prescribed in subsection (1) of this section. ((For employers who have been covered under the Workers' Compensation Act for a period of less than two full calendar years, the assessment rate shall be a percentage of the premium which would have been collected at manual rates had the self-insurer been covered by the state fund. For employers who have been subject to the provisions of the Workers' Compensation Act in excess of two calendar years.)) Employers certified to self-insure after the fiscal period for which costs were used to determine the assessment rate shall be assessed at a rate which does not include adjustments made for prior periods. The administrative assessment ((rate)) shall be ((a percentage of)) based on the payments made on all claims involving the self-insured employer: *Provided*, That in any event a self-insured employer shall be subject to the payment of a minimum quarterly assessment of twenty-five dollars.~~

(3) Administrative cost assessments shall be payable for each quarter, by the thirtieth day following the receipt of a quarterly report form supplied by the department (SIF #6). This quarterly report form shall also provide for payment of the supplemental pension fund assessment.

(4) A self-insured employer who has, or shall hereafter, voluntarily, or involuntarily, surrender his certification as a

self-insurer shall pay an adjusted administrative assessment. The amount of this adjusted administrative assessment will be determined annually and shall represent such self-insurer's portion of the administrative assessment which can be attributed directly to the operational costs of the self-insurance section. This adjusted administrative assessment shall continue until such time as all liabilities and all responsibilities of such employer have been terminated. The amount of this adjusted administrative assessment shall in no case be less than \$25.00 per calendar quarter.

When such an employer has had no self-insured claim activity, excluding activity in cases of total permanent disability or death, for a period of one year, a request may be made to the department for a review to determine if there is a need to continue the adjusted administrative assessment, in which circumstances, the minimum assessment will not apply.

AMENDATORY SECTION (Amending Order 88-07, filed 6/1/88)

WAC 296-15-065 Self-insurers' insolvency trust. (1) For the purpose of interpretation of this section, the term "insolvent self-insurer" means a self-insurer who has defaulted upon any obligation under Title 51 RCW, and with respect to which default the director has taken action authorized by RCW 51.14.060.

(2) A self-insurance insolvency fund shall be established in the office of the state treasurer. The purpose of this fund shall be to pay, to the injured workers of insolvent self-insured employers under Title 51 RCW, any unsecured benefits to which such injured workers had become entitled, and to pay for the department's associated administrative costs, including attorneys' fees.

(3) This fund shall be financed by assessment, as follows: (a) Assessments shall be levied on a post-insolvency basis against all self-insurers, including any of which have surrendered certification at any time during the thirty-six months prior to the close of a quarter for which assessments to the insolvency fund are payable: *Provided, however*, That school districts, cities and counties are exempt from assessment(s) to finance such self-insurers' insolvency fund: *Provided, further*, That school districts, cities and counties shall not have their obligations discharged, in full or in part, with moneys from said self-insurers' insolvency fund; (b) each assessment shall be a percentage of the payments made on all claims involving the self-insured employer; (c) assessments shall be levied on a quarterly basis as prescribed by the ~~((board of trustees established in this section))~~ department; (d) assessments shall be payable each quarter, by the thirtieth day following the notice of assessment.

(4) The administration of an insolvent self-insurer's claims shall be the responsibility of the department until the security deposit as required by RCW 51.14.020 and/or the recovery from any court action concerning the self-insurer's workers' compensation liabilities have been exhausted.

(5) Establishing self-insurance insolvency fund assessment rates and administering the claims of insolvent self-insurers upon depletion of remedies for reimbursement of workers' compensation expenditures made by the department as specified under subsection (4) of this section shall be the

responsibility of the director, or the director's designee, after due consideration of the recommendations of a five-member insolvency trust advisory board ((of trustees, under the general supervision of the department's self insurance)) established in this section.

(6) Assessments for the self-insurers' insolvency fund shall be in amounts deemed adequate to reimburse the accident, medical aid and/or pension reserve funds for benefits paid from these funds to injured workers of insolvent self-insurers, and for associated administrative costs, including attorneys' fees. Any and all interest earned on assessments levied and collected by the ~~((board of trustees))~~ department shall become a part of the self-insurers' insolvency fund, and be distributed only for the purposes for which the fund was established.

(7) The insolvency trust advisory board ((of trustees)) shall be comprised of the director or the director's designee, three representatives of self-insured employers, and one representative of workers. Initially and thereafter, the director shall appoint the self-insurer representatives from a list of names submitted by state-wide organizations of self-insurers and others. Initially and thereafter, the director shall appoint the worker representative from a list of names submitted by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. Initial appointments shall be made within thirty days of the effective date of this section. Two of the initial appointees shall serve three-year terms, and two shall serve two-year terms. Thereafter, appointed representatives shall serve two-year terms. Each representative on the insolvency trust advisory board ((of trustees)) shall have one vote. The board shall act in an advisory capacity; all final decisions regarding the insolvency trust shall be made by the director or the director's designee.

(8) No later than March 31 of each year, the board ~~((of trustees))~~ shall report in writing to the workers' compensation advisory committee regarding the status of the insolvency fund as of the previous December 31, and summarize any events or transactions of interest or importance to the ongoing operation of the insolvency fund.

WSR 93-07-117
PROPOSED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Filed March 24, 1993, 10:14 a.m.]

Original Notice.

Title of Rule: WAC 67-35-030 Terms defined, subsection (5).

Purpose: To completely delete any reference of "Challenge test licensee" section from WAC. Was inadvertently omitted from repealer of WAC 67-35-056 filed on February 25, 1993.

Statutory Authority for Adoption: Chapter 74.18 RCW.

Summary: WAC 67-35-030 Terms defined, subsection (5) needs to be deleted as it is no longer applicable. The rest of the paragraphs need to be renumbered.

Name of Agency Personnel Responsible for Drafting: Jim Fischer, Olympia, 586-0277; Implementation and Enforcement: Bonnie Jindra, Olympia, 586-0275.

Name of Proponent: Department of Services for the Blind, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 67-35-030 Terms defined, subsection (5) needs to be deleted as it is no longer applicable.

Proposal Changes the Following Existing Rules: Deletes subsection (5) from WAC 67-35-030 Terms defined, and renumbers the paragraphs, but all remain the same.

Hearing Location: Department of Services for the Blind, 521 Legion Way, Olympia, WA 98504-0933, on April 28, 1993, at 9:00 a.m.

Submit Written Comments to: Bonnie Jindra, P.O. Box 40933, Olympia, WA 98504-0933, by April 14, 1993.

Date of Intended Adoption: May 3, 1993.

March 24, 1993
 Bonnie Jindra
 Assistant Director

AMENDATORY SECTION (Amending WSR 92-10-024, filed 4/29/92, effective 5/30/92)

WAC 67-35-030 Terms defined. The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) ~~((("Challenge test licensee" means a person who has prior work experience and/or training in food service and food service management and who takes the challenge test and is licensed by the department to operate a vending facility in the vending facility program.~~

(6)) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

~~((7))~~ (6) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, Social

Security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

~~((8))~~ (7) "Department" means the Washington department of services for the blind.

~~((9))~~ (8) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

~~((10))~~ (9) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the Department of Defense and the United States Postal Service, or any other instrumentality wholly owned by the United States.

~~((11))~~ (10) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

~~((12))~~ (11) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

~~((13))~~ (12) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

~~((14))~~ (13) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors).

~~((15))~~ (14) "Other property" means property which is not federal property.

~~((16))~~ (15) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.

~~((17))~~ (16) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building: *Provided*, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.

~~((18))~~ (17) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

~~((19))~~ (18) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 34 CFR, section 395.8 (a), (b), and (c).

~~((20))~~ (19) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco,

refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.

(b) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.

(i) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(ii) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(iii) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

(c) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

~~((21))~~ (20) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

~~((22))~~ (21) "Primary location" means any location that is acquired through the bid process pursuant to the provisions of WAC 67-35-070.

~~((23))~~ (22) "Nonprimary location" means any location that is bid per WAC 67-35-070 and is awarded for a temporary period of time not to exceed one year from the date of award.

WSR 93-07-118
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed March 24, 1993, 10:56 a.m.]

Original Notice.

Title of Rule: Amending WAC 139-05-240 General requirements for basic law enforcement academy training.

Purpose: To amend WAC 139-05-240 by deleting subsections (2) and (3); renumber subsection (4) as (2).

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Amends current regulation by deleting language and provisions.

Reasons Supporting Proposal: Deleted language and provisions would conflict with, and are superseded by, newly adopted WAC 139-05-242.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Garry E. Wegner, Assistant Director, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Subsections (2) and (3) of WAC 139-05-240 set forth the process and requirements for readmission to the basic law enforcement academy program. Newly adopted WAC 139-05-242 changes the process and requirements and provides greater specification, and supersedes conflicting subsections (2) and (3); consequently the proposed amendatory action is necessary.

Proposal Changes the Following Existing Rules: Existing rule WAC 139-05-240 is amended as explained in Purpose above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Training and Conference Center, 19010 1st Avenue South, Seattle, WA 98148, on June 17, 1993, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Commission, P.O. Box 40905, Olympia, WA 98504-0905, by June 16, 1993.

Date of Intended Adoption: June 17, 1993.

March 22, 1993

James C. Scott

Executive Director

AMENDATORY SECTION (Amending Order 1-B, filed 9/10/86)

WAC 139-05-240 General requirements for basic law enforcement academy attendees. (1) Each trainee in a basic law enforcement academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission, in evaluating the level of scholastic achievement of each trainee. Such

process shall include the application of a designated minimum passing score to each subject area and the availability of a retesting procedure. Failure to achieve the required minimum passing score will result in termination of academy assignment, provided that any unsuccessful trainee whose beginning date of continuous law enforcement employment precedes January 1, 1978, may be allowed to audit the remainder of the academy upon a determination by the coordinator of law enforcement training that such audit would be beneficial to the trainee and have no adverse effect upon the other attendees.

(b) Physical performance. A standardized evaluation process shall be utilized by all basic law enforcement academies sponsored or conducted by the commission in evaluating the level of physical performance of each trainee. Such process shall include the application of pass/fail grading to designated instructional objectives for physical performance and the availability of a retesting procedure. Failure to achieve a final grade of pass in physical training, including defensive tactics, shall preclude certification.

(c) Deportment and conduct. Failure to maintain an exemplary standard of deportment and conduct or to adhere to all rules, regulations and policies of a basic law enforcement academy sponsored or conducted by the commission may result in termination of academy assignment.

~~((2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part as determined by the commission. Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.~~

~~(3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:~~

~~(a) such trainee has been terminated by the employing agency and subsequently is rehired by it; or~~

~~(b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.~~

~~(4)) (2) Upon the written request of a trainee, or the head of his/her employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-07-120
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed March 24, 1993, 11:00 a.m.]

Original Notice.

Title of Rule: Amending WAC 139-10-220 Requirements of basic corrections academy.

Purpose: To amend WAC 139-10-220 by deleting subsections (2) and (3); renumber subsection (4) as (2).

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Amends current regulation by deleting language and provisions.

Reasons Supporting Proposal: Deleted language and provisions conflict with, and are superseded by, newly adopted WAC 139-10-222.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; Implementation and Enforcement: Roger Heine, Corrections Training Manager, Seattle, 764-4301.

Name of Proponent: Criminal Justice Training Commission.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Subsections (2) and (3) of WAC 139-10-220 set forth the process and requirements for readmission to the Basic Corrections Academy program. Newly adopted WAC 139-10-222 changes the process and requirements and provides greater specification, and supersedes the aforementioned subsections (2) and (3); consequently the proposed amendatory action is necessary.

Proposal Changes the Following Existing Rules: Existing rule WAC 139-10-220 is amended as explained in Purpose above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Training and Conference Center, 19010 1st Avenue South, Seattle, WA 98148, on June 17, 1993, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Center, P.O. Box 40905, Olympia, WA 98504-0905, by June 16, 1993.

Date of Intended Adoption: June 17, 1993.

March 22, 1993

James C. Scott
Executive Director

AMENDATORY SECTION (Amending Order 15-D, filed 9/18/87)

WAC 139-10-220 Requirements of basic corrections academy. (1) Each trainee in a basic corrections academy shall receive certification only upon full and successful completion of the academy process as prescribed by the Washington State Criminal Justice Training commission. The performance of each trainee shall be evaluated as follows:

(a) Scholarship. A standardized examination process shall be utilized by each corrections academy sponsored or conducted by the commission, in evaluating the level of scholastic achievement and skill proficiency of each trainee. Such process shall include the application of a designated minimum passing score and the availability of a retesting procedure.

(b) Participation. Each trainee shall be required to participate fully in all academy classes, practice exercises and physical training programs. No applicant for basic corrections training shall begin the basic academy assignment if his or her health and physical condition precludes

active and full participation in the physical activities required for certification; provided, that any applicant whose beginning date of continuous corrections officer employment precedes January 1, 1982, may be allowed to audit, in whole or in part, basic corrections officer training. In no instance shall certification be granted until successful completion of physical training, including defensive tactics, has been achieved.

(c) Deportment and conduct. Failure to maintain a standard of deportment and conduct as defined in the rules, regulations and policies of the basic corrections academy may result in termination of academy assignment.

~~(2) In the instance of termination or suspension of a trainee's academy assignment due to illness, injury, personal hardship, or good cause otherwise shown, the commission may allow certification after such trainee has successfully completed a subsequent academy, in whole or part, as determined by the commission.~~

~~Such certification may be effected regardless of any time limit or period elsewhere prescribed or mandated for certification.~~

~~(3) In all other instances of termination of a trainee's academy assignment, the commission shall allow such trainee's admission to any subsequent academy only if:~~

~~(a) such trainee has been terminated by the employing agency and subsequently rehired by it; or~~

~~(b) such trainee has been terminated by the employing agency and subsequently is hired by another employing agency.~~

(4)) (2) Upon the written request of a trainee, or the head of his employing agency, any action affecting such trainee's status or eligibility for certification shall be reviewed pursuant to the procedural rules and regulations adopted by the commission.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 93-07-121
PROPOSED RULES
LOTTERY COMMISSION
[Filed March 24, 1993, 11:25 a.m.]

Original Notice.

Title of Rule: WAC 315-11-980, 315-11-981 and 315-11-982, definitions, criteria and ticket validation requirements for Instant Game No. 98 ("Ace in the Hole"); WAC 315-11-990, 315-11-991 and 315-11-992, definitions, criteria and ticket validation requirements for Instant Game No. 99 ("Megamoney"); WAC 315-11A-100 Instant Game No. 100 ("Top Banana"); and WAC 315-06-125 Debts owed the state.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 98 ("Ace in the Hole"), 99 ("Megamoney"), and 100 ("Top Banana"); and to amend WAC 315-06-125.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Rules Coordinator, Olympia, 586-6583; Implementation and Enforcement: Evelyn P. Yenson, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-11-980, 315-11-981, 315-11-982, 315-11-990, 315-11-991, 315-11-992 and 315-11A-100, for each game, certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery or its retailers from paying out prize money on invalid tickets.

Proposal Changes the Following Existing Rules: WAC 315-06-125 is amended to clarify the procedure regarding the payment of prizes which have been subjected to the debt collection process.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The lottery has considered whether these rules are subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that they are not for the following reasons: The rules have no economic impact on business' cost of equipment, supplies, labor or administrative costs. The rules are designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact, if any, on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery, 5963 Corson Avenue South, Suite 106, Seattle, WA 98108, on May 7, 1993, at 10:00 a.m.

Submit Written Comments to: Jeff Burkhardt, Lottery, P.O. Box 43025, Olympia, WA 98504-3025, by May 6, 1993.

Date of Intended Adoption: May 6, 1993.

March 23, 1993
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11-980 Definitions for Instant Game Number 98 ("Ace in the Hole"). (1) Play symbols: The following are the "play symbols": "ACE," "K," "Q," "J," "10," "9," "8," "7," and "NO." One of these play symbols appears in each of the seven play spots under the latex covering on the front of the ticket.

(2) Captions: The small printed characters appearing below each play symbol which verify and correspond 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 98, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
ACE	ACE
K	KNG
Q	QUE
J	JAC
10	TEN
9	NIN
8	EGT
7	SVN
NO	NO

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 09800001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 98 constitute the "pack number" which starts at 09800001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 98, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
SIX	\$ 6.00
TLV	\$ 12.00

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

NEW SECTION

WAC 315-11-981 Criteria for Instant Game Number 98. (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:

The bearer of a ticket having the following play symbols in any of the seven spots beneath the removable covering on the front of the ticket shall win the following prize:

Three 7's	- Win	\$ 1.00
Three 7's and one ACE	- Win	\$ 2.00
Three 8's	- Win	\$ 2.00
Three 9's and one ACE	- Win	\$ 6.00
Three 10's	- Win	\$ 6.00
Three 10's and one ACE	- Win	\$ 12.00
Three J's	- Win	\$ 12.00
Three Q's	- Win	\$ 50.00

- Three Q's and one ACE - Win \$ 100.00
- Three K's - Win \$ 10,000

(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 98 set forth in WAC 315-11-982, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 98; and/or

(b) Vary the number of tickets sold in Instant Game Number 98 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-982 Ticket validation requirements for Instant Game Number 98. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 98 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the seven play spots under the latex covering on the front of the ticket.

(b) Each of the seven play symbols must have a caption underneath, and each must agree with its caption.

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-980(1) and each of the captions must be exactly one of those described in WAC 315-11-980(2).

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

NEW SECTION

WAC 315-11-990 Definitions for Instant Game Number 99 ("Megamoney"). (1) Play symbols: The following are the "play symbols": "\$2.00"; "\$3.00"; "\$6.00"; "\$10.00"; "\$20.00"; "\$40.00"; "\$500.00"; and "\$10,000." One of these play symbols appears in each of the nine play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond 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 99, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$ 2.00	TWO DOL
\$ 3.00	THR DOL
\$ 6.00	SIX DOL
\$ 10.00	TEN DOL
\$ 20.00	TWY DOL
\$ 40.00	\$FORTY\$
\$ 500.00	FIVHUND
\$ 10,000	TENTHOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 09900001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 99 constitute the "pack number" which starts at 09900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 99, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TWO	\$ 2.00
THR	\$ 3.00
SIX	\$ 6.00
TEN	\$ 10.00
TWY	\$ 20.00

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

NEW SECTION

WAC 315-11-991 Criteria for Instant Game Number 99. (1) The price of each instant game ticket shall be \$2.00.

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

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

Three	\$ 2.00 play symbols	- Win	\$ 2.00
Three	\$ 3.00 play symbols	- Win	\$ 3.00
Three	\$ 6.00 play symbols	- Win	\$ 6.00
Three	\$ 10.00 play symbols	- Win	\$ 10.00

Three	\$ 20.00	play symbols	- Win	\$ 20.00
Three	\$ 40.00	play symbols	- Win	\$ 40.00
Three	\$ 500.00	play symbols	- Win	\$ 500.00
Three	\$ 10,000	play symbols	- Win	\$ 10,000

NEW SECTION

WAC 315-11A-100 Instant Game Number 100 ("Top Banana"). (1) Definitions for Instant Game Number 100.

(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 99 set forth in WAC 315-11-992, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 99; and/or

(b) Vary the number of tickets sold in Instant Game Number 99 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(a) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," "6," and "9." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(b) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 100, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX
9	NIN

NEW SECTION

WAC 315-11-992 Ticket validation requirements for Instant Game Number 99. (1) A valid instant game ticket for Instant Game Number 99 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations.

(a) Exactly one play symbol must appear in each of the nine play spots under the removable latex covering on the front of the ticket.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-990(1) and each of the captions must be exactly one of those described in WAC 315-11-990(2).

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

(c) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$8.00," "\$50.00," and "\$5,000." One of these prize symbols appears below each of the play symbol captions, except for the caption of the play symbol labeled "winning number."

(d) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 100, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 50.00	\$FIFTY\$
\$ 5,000	FIVTHOU

(e) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(f) Pack-ticket number: The eleven-digit number of the form 10000001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 100 constitute the "pack number" which starts at 10000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(g) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify

**Chapter 315-11A WAC
INSTANT GAME RULES—GAMES COMMENCING
AT 100**

instant winners of \$25.00 or less. For Instant Game Number 100, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
TWO	\$ 2.00 (\$1 AND \$1)
THR	\$ 3.00 (\$1, \$1 AND \$1)
EGT	\$ 8.00 (\$2, \$2, \$2 AND \$2; \$8)
SXT	\$16.00 (\$4, \$4, \$4 AND \$4; \$8, \$4 AND \$4)

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

(2) Criteria for Instant Game Number 100.

(a) The price of each instant game ticket shall be \$1.00.

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

(i) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(ii) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

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

(d) 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 100 set forth in subsection (3) of this section, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(i) Vary the length of Instant Game Number 100; and/or

(ii) Vary the number of tickets sold in Instant Game Number 100 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

(3) Ticket validation requirements for Instant Game Number 100.

(a) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 100 all of the following validation requirements apply:

(i) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(ii) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(iii) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

(iv) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file

with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(v) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(vi) Each of the play symbols must be exactly one of those described in subsection (1)(a) of this section and each of the play symbol captions must be exactly one of those described in subsection (1)(b) of this section.

(vii) Each of the prize symbols must be exactly one of those described in subsection (1)(c) of this section and each of the prize symbol captions must be exactly one of those described in subsection (1)(d) of this section.

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

AMENDATORY SECTION (Amending WSR 93-04-004, filed 1/21/93, effective 2/21/93)

WAC 315-06-125 Debts owed the state. (1) The terms used in RCW 67.70.255 and these regulations are defined as follows:

(a) Creditor - Any state agency or political subdivision of this state that maintains records of debts owed to the state or political subdivision, or that the state is authorized to enforce or collect.

(b) Debt - A judgment rendered by a court of competent jurisdiction or obligations established pursuant to RCW 50.20.190, 51.32.240, 51.48.140, 74.04.300, 74.20A.040, and 74.20A.055 or administrative orders as defined in RCW 50.24.110, 51.32.240, 51.48.150, and 74.20A.020(6).

(c) State - The state of Washington.

(d) Two working days - Two days not to include Saturdays, Sundays, and holidays as defined in RCW 1.16.050 commencing the day following the date the claim was validated by the lottery.

(e) Verification - A facsimile or photo copy of a judgment or final order received by the lottery during the requisite two working day period.

(f) Individual - A natural person.

(2) Any creditor may submit, to the lottery, in a format specified by the director, data processing tapes containing debt information specified by the director. Tapes which do not contain the required information or are not in the proper format will be returned to the creditor. The creditor submitting debt information tapes shall provide replacement tapes on a regular basis at intervals not to exceed one month or less than one week. The creditor shall be solely responsible for the accuracy of the information contained therein.

(3) Creditors submitting data processing tapes to the lottery shall also submit the name or names of designated contact persons.

(4) The lottery shall include the debt information submitted by the creditor in its validation and prize payment

process. The lottery shall delay payment of a prize, exceeding six hundred dollars, for a period not to exceed two working days, to any individual prize winner or to any other prize winner which has an individual holding a direct or indirect interest in the prize winner, and who owes a debt to a creditor pursuant to the information submitted in subsection (2) of this section. The lottery shall make a reasonable attempt to contact the creditor's designated contact person(s) by phone, followed by written correspondence, to verify the debt. Three phone calls, excluding busy signals, shall constitute a reasonable attempt. The prize (~~or individual's portion thereof~~) shall be paid to the (~~individual~~) prize winner if the debt is not verified by the submitting creditor within two working days. If the debt is verified, the prize shall be disbursed pursuant to subsection (9) of this section.

(5) It shall be the obligation of the prize winner to provide the lottery with the names, Social Security numbers, and percentage interests of the individuals who collectively hold one hundred percent of the interest in the prize.

(6) Where an individual holds an interest in a prize claimed by another individual, the lottery must be informed of that interest, its percentage and the Social Security number (SSN) of the nonclaimant individual who holds the interest, prior to the validation and prize payment process described herein; otherwise, the Social Security number of the claimant individual and the full net amount of the prize will be used in completing the processing required under this section.

(7) Where the right to payment to an individual who holds an interest in a prize winner is discretionary with a third party or is contingent, the tax ID number of the prize winner shall be used in completing the processing required under this section, rather than the Social Security number of said individual.

(8) A creditor shall verify the debt by submitting to the lottery at lottery headquarters in Olympia, Washington within the requisite two working day period, a facsimile or photocopy of a judgment or final order which is the basis for the debt.

(9) Prior to disbursement, any verified debts owed to a creditor by the individual winner of any lottery prize exceeding six hundred dollars or by an individual holding more than a six hundred dollar interest in a prize winner shall be set off against the prize owing to the individual or against the proportionate interest of the individual in the prize winner. In the event a prize winner or an individual holding more than a six hundred dollar interest in a prize winner owes debts to more than one creditor, and the total prize to that winner or individual is insufficient to pay all debts, the set off shall be paid to the creditors on a pro rata basis based on the amount of debt owed to each creditor unless priority is established by statute.

Title of Rule: WAC 388-83-046 Relative financial responsibility for SSI-nonrelated clients, 388-92-025 Relative financial responsibility for SSI-related clients, and 388-92-027 SSI-related income deeming.

Purpose: WAC 388-83-046 clarifies relative financial responsibility requirements for clients not related to SSI. Information concerning institutionalized clients is deleted from WAC 388-92-025 as it exists in chapter 388-95 WAC. WAC 388-92-027 clarifies intent of income deemed to SSI-related spouses and children.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarifies existing rules concerning the financial responsibility of relatives to SSI-related and SSI-nonrelated clients. Clarifies rules concerning the deeming of income to SSI-related spouses and children.

Reasons Supporting Proposal: Clarification of technical language. Deletion of redundant language.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

March 24, 1993

Rosemary Carr

Acting Director

Administrative Services

NEW SECTION

WAC 388-83-046 Relative financial responsibility for SSI-nonrelated clients. (1) When determining program eligibility for medical care programs, the department shall consider:

(a) The family unit living in the same household as including all family members when determining program relationship; and

(b) A relative to be financially responsible only as follows:

(i) The natural or adoptive stepparent or parent to a child under age nineteen living in the same household; and

(ii) Spouse to spouse living in the same household.

(2) The department shall consider income and resources jointly for spouses and the spouses' children living in the same household when none are SSI-related, with the following exceptions:

WSR 93-07-122

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 24, 1993, 11:55 a.m.]

Original Notice.

- (a) Pregnant minor as described under WAC 388-83-130; or
- (b) Excluded child as described under WAC 388-83-130.

AMENDATORY SECTION (Amending Order 3411, filed 6/25/92, effective 7/26/92)

WAC 388-92-025 Relative financial responsibility ~~((of relatives))~~ **for SSI-related clients.** (1) ~~((In determining SSI-related eligibility, the department shall consider income and resources jointly for:~~

- ~~(a) Spouses who reside in the same household; and~~
- ~~(b) The blind or disabled child or children who reside with their parent or parents.~~

~~(2) When computing available income the department shall limit relative responsibility to one spouse for the other spouse and the parent or parents for the minor child or children.~~

~~(3) The department shall consider the financial responsibility of spouses as follows:~~

~~(a) When a spouse in the same household of an SSI-related applicant is ineligible or does not apply, the department shall apply the exclusions under WAC 388-92-036 (1) and (3) to the spouse's income in determining the amount to be deemed to the applicant. When the remaining income of the ineligible spouse exceeds the monthly categorically needy income level (CNIL), the department shall deem the remaining income to the applicant;~~

~~(b) When both spouses apply or are eligible as aged, blind, or disabled and cease to reside in the same household, the department shall consider the spouses' income and resources available to each other through the month in which they cease to reside in the same household;~~

~~(c) When spouses cease to reside in the same household because of the institutionalization of one spouse or for any other reason, the department shall consider:~~

~~(i) The institutionalized spouse's income and resources under chapter 388-95 WAC; and~~

~~(ii) The community spouse's income and resources as available to each other through the month in which they cease to reside in the same household. The department shall consider the income and resources of each spouse as separate beginning the first of the month after the spouses separate.~~

~~(d) If the mutual consideration of both spouses' income and resources causes the spouses to lose eligibility as a couple, the department shall determine if either spouse is eligible in accordance with subsection (3)(c) of this section;~~

~~(e) The department shall consider only the income and resources the ineligible spouse contributes to the eligible spouse beginning the month after the spouses separate;~~

~~(f) When both spouses are eligible and institutionalized, the department shall consider income and resources separately even if the spouses share the same room; and~~

~~(g) When only one spouse is eligible and both are institutionalized, the department shall consider only the income and resources the ineligible spouse contributes to the eligible spouse, even if they share the same room))~~ When determining program eligibility for medical care, the department shall limit relative financial responsibility from:

(a) The natural or adoptive stepparent or parent to a child under age eighteen living in the same household; and

(b) Spouse to spouse living in the same household;
(2) The department shall consider income and resources jointly for spouses when both spouses are SSI-related and live in the same household.

(3) The department shall consider income and resources separately for an institutionalized:

- (a) Child as described under WAC 388-95-320(5); or
- (b) Spouse as described under WAC 388-95-340.

(4) The department shall consider the income and resources of spouses as available to each other through the month in which they stop living together.

(5) The department shall follow WAC 388-83-200, 388-83-210, or 388-83-220 when one or both spouses are receiving community options program entry system (COPES), community alternatives program (CAP), outward bound residential alternatives (OBRA), or coordinated community aids service alternatives (CASA) waived service program.

(6) The department shall allow a community spouse applying for medically needy a spousal deduction equal to the one-person medically needy income level (MNIL) less the spouse's income when:

(a) The community spouse is living in the same household as the spouse; and

(b) The spouse is receiving home and community based services.

(7) The department shall consider income and resources separately as of the first day of the month following the month of separation when spouses stop living together because of placement into a congregate care facility (CCF), adult family home (AFH), adult residential rehabilitation center/adult residential treatment facility (ARRC/ARTF), or division of developmental disability-group home (DDD-GH) facility when:

(a) Only one spouse enters the facility;

(b) Both spouses enter the same facility but have separate rooms; or

(c) Both spouses enter separate facilities.

(8) The department shall consider income and resources jointly when spouses are placed in a CCF, AFH, ARRC/ARTF, or DDD-GH facility and share a room.

NEW SECTION

WAC 388-92-027 SSI-related income deeming. (1)

At the client's option, the department shall consider an SSI-related person, living with a spouse or parent who is ineligible for SSI, as a separate medical assistance unit. The department shall deem income from a financially responsible spouse or parent to the SSI-related person as follows when determining:

(a) Categorically needy or medically needy eligibility for an SSI-related child, the department shall consider the income of the parents available to the SSI-related child except for:

(i) Income exemptions under WAC 388-92-036 including the twenty-dollar deduction and the sixty-five dollar plus one-half of the balance earned income deduction; and

(ii) A child's allowance for each SSI-ineligible child equal to one-half of the Federal Benefit Rate (FBR) minus any income of that child; and

(iii) A parent's allowance equal to:

- (A) One-person FBR for a single parent; or
- (B) Two-person FBR for two parents.
- (b) Categorically needy Medicaid for an SSI-related spouse, the department shall:
 - (i) Allow the financially responsible spouse the income exemptions under WAC 388-92-036 except the:
 - (A) Twenty-dollar deduction; and
 - (B) Sixty-five dollar plus one-half earned income deduction.
 - (ii) Deduct from the financially responsible spouse's income, a child's allowance for each SSI-ineligible child equal to one-half of the FBR minus any income of that child;
 - (iii) Deem from the financially responsible spouse:
 - (A) Zero income when the financially responsible spouse's income equals or is less than one-half of the FBR after allowing the income deductions in subsection (1)(b)(i) and (ii) of this section;
 - (B) All the financially responsible spouse's income when the income exceeds one-half of the FBR after allowing the income deductions in subsection (1)(b)(i) and (ii) of this section.
- (c) Medically needy Medicaid for an SSI-related spouse, the department shall:
 - (i) Allow the financially responsible spouse the income deductions as in subsection (1)(b)(i) and (ii) of this section;
 - (ii) Deem from the financially responsible spouse:
 - (A) Zero income when the financially responsible spouse's income equals or is less than the one-person medically needy income level (MNIL) after allowing the income deductions in subsection (1)(b)(i) and (ii) of this section;
 - (B) The financially responsible spouse's income above the MNIL after allowing the income deductions in subsection (1)(b)(i) and (ii) of this section.
 - (iii) From the SSI-related spouse's income, allow an amount needed to bring the financially responsible spouse's income up to the MNIL.
- (2) The department shall consider a person eligible for Medicaid when the person is denied SSI cash assistance solely because of income or resources deemed available from an alien sponsor.

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

WSR 93-07-123
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Filed March 24, 1993, 11:56 a.m.]

Original Notice.

Title of Rule: WAC 388-83-200 Community options program entry system (COPEs), 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program, and 388-83-220 Coordinated community AIDS service alternatives (CASA) program.

Purpose: Clarifies that both clients receiving SSI and those eligible for SSI under section 1619(b) of the Social Security Act, but not receiving a cash grant, are not required to participate in the cost of care for COPEs, CAP, OBRA, or CASA.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarifies that both clients receiving SSI and those eligible for SSI, but not receiving a cash grant, are not required to participate in the cost of care for COPEs, CAP, OBRA, or CASA.

Reasons Supporting Proposal: Revision of technical language.

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

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

March 24, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3481, filed 11/25/92, effective 12/26/92)

WAC 388-83-200 Community options program entry system (COPEs). (1) ~~((An eligible))~~ The department shall determine a person eligible for COPEs ((is)) when a person is eighteen years of age or over ((who)) and:

(a) Meets the ~~((Title XIX))~~ categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of COPEs, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(b) Requires the level of care provided in a nursing facility;

(c) Has a department-approved plan of care that meets the eligibility requirements for COPEs personal care as described under WAC 388-15-610 (1)(f);

(d) Is able and chooses to reside at home with community support services, in a congregate care facility, or in a licensed adult family home; and

(e) Effective October 31, 1992, has received COPEs services on or after April 1, 1992 or applied for COPEs services between April 1, 1992 and October 31, 1992 under WAC 388-15-610(3).

(2) The department shall not require ~~((an SSI-eligible))~~ participation in the cost of COPEs ~~((client to participate in the cost of))~~ care by a person:

- (a) Receiving SSI; or
- (b) Remaining eligible for SSI under section 1619(b) of the Social Security Act, but not receiving a cash grant.

(3) The department shall allocate available income of the SSI-related ~~((nongrant-eligible))~~ COPEs client as described under WAC 388-95-360 (1), (2), ~~(3), (4)(c), (d), (e), (f), and (g)(- (3), (4),))~~ and ~~((5))~~ (6). The client shall retain an amount equal to the medically needy income level (MNIL) for one person for the client's maintenance needs.

(4) The SSI-related ~~((nongrant-eligible))~~ client residing in an adult family home or congregate care facility shall:

(a) Retain from a maintenance needs amount a specified personal needs allowance as described under WAC 388-29-130 and 388-29-280; and

(b) Pay the lessor of the remaining maintenance needs amount or the facility room and board rate to the facility for the cost of board and room.

(5) The department shall include the remaining income after allocations as the participation amount for COPEs services as described under WAC 388-15-620.

AMENDATORY SECTION (Amending Order 3481, filed 11/25/92, effective 12/26/92)

WAC 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program. (1) The department shall determine an eligible person for CAP is a person:

(a) Meeting the requirements and eligible for services of the division of developmental disabilities and disabled according to SSI rules;

(b) Meeting the ~~((Title XIX))~~ categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CAP and OBRA, a person is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(c) The department assesses as requiring the level of care provided in an intermediate care facility for the mentally retarded (IMR);

(d) For whom the department approves an individual plan of care describing the provided community support services; and

(e) Able and choosing to reside in the community with community support services according to the plan of care.

(2) The department shall determine an eligible person for the OBRA home and community-based services program is a person:

(a) Meeting the CAP eligibility standards in WAC 388-83-210(1) of this section; and

(b) Residing in a ~~((Title XIX))~~ medicaid nursing facility at the time of application for OBRA services.

(3) The department shall not require ~~((the SSI-eligible))~~ participation in the cost of CAP or OBRA ~~((client to participate in the cost of CAP/OBRA))~~ services by a person:

- (a) Receiving SSI; or
- (b) Remaining eligible for SSI under section 1619(b) of the Social Security Act, but not receiving a cash grant.

(4) The department shall allocate available total income, including amounts disregarded in determining eligibility, of

a SSI-related ~~((nongrant-eligible))~~ CAP or OBRA client as follows:

(a) For a client residing in the client's residence, including a client receiving intensive tenant support services, an amount equal to a maximum of three hundred percent of the SSI federal benefit rate for one person shall be protected for the client's maintenance needs;

(b) For a client residing in a state-contracted or state-operated group home, adult family home, or congregate care facility, the following amounts shall be protected for the client's maintenance needs:

(i) A specified personal needs allowance, as described under WAC 388-29-130 and 388-29-280;

(ii) An amount equal to the monthly room and board cost for the facility where the client resides;

(iii) The first twenty dollars per month of earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(c) For a client described in subsection (3)(b) of this section, the maximum amount allowed for any client's individual maintenance needs shall not exceed three hundred percent of the SSI federal benefit rate. A client shall not be allowed an individual maintenance needs deduction of less than the SSI payment standard;

(d) For a client with a spouse at home who is not receiving CAP or OBRA services, an amount is protected for the spouse's maintenance needs as computed in WAC 388-95-360 ~~((2))~~ (4)(d);

(e) For a client with a dependent relative residing with the spouse not receiving CAP or OBRA services, an amount is protected for the relative's maintenance needs as computed in WAC 388-95-360 ~~((2))~~ (4)(e);

(f) Amounts for incurred medical expenses not subject to third-party payment shall be protected, including:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered under Medicaid.

(g) Income remaining after deductions in subsection (4)(a), (b), (c), (d), (e), and (f) of this section will be the participation amount for CAP or OBRA services.

AMENDATORY SECTION (Amending Order 3481, filed 11/25/92, effective 12/26/92)

WAC 388-83-220 Coordinated community AIDS service alternatives (CASA) program. (1) The department shall determine an eligible person for CASA ~~((shall be))~~ is a person:

(a) Meeting the ~~((Title XIX))~~ categorically needy eligibility requirements for an SSI-related institutionalized person. For the purposes of CASA, the department shall consider a person institutionalized the date the person meets other eligibility criteria, except institutional status;

(b) Having a diagnosis of acquired immune deficiency syndrome or disabling class IV human immunodeficiency virus disease or P2 HIV/AIDS diagnosis, if fourteen years of age or under, as defined by the centers for disease control or Washington state department of health;

(c) Determined medically at risk of need for the level of hospital-provided care;

(d) Certified by the person's physician or nurse practitioner as in the terminal stage of life;

(e) Agreeing to receive services in the person's own home, a licensed congregate care facility, or adult family home; and

(f) Having a department-approved and department of health approved plan of care.

(2) The department shall not require ~~((the SSI-eligible client to participate))~~ participation in the cost of CASA services ~~((regardless of income))~~ by a person:

(a) Receiving SSI; or

(b) Remaining eligible for SSI under section 1619(b) of the Social Security Act, but not receiving a cash grant.

(3) The department shall allocate available total income, including amounts disregarded in determining eligibility of a SSI-related ~~((nongrant-eligible))~~ CASA client residing at home, as follows:

(a) The client retains as maintenance needs an amount equal to the medically needy income level (MNIL) for one person; and

(b) As described under WAC 388-95-360 (1), (2), (3), ~~(4)(c), (d), (e), ((and)) (f), ((3), (4),))~~ and (g), (5), and (6).

(4) The department shall allocate available total income, including amounts disregarded in determining eligibility of a SSI-related ~~((nongrant-eligible))~~ CASA client residing in an adult family home or congregate care facility as follows:

(a) The client shall retain a specified personal needs allowance as described under WAC 388-29-130 or 388-29-280;

(b) As described under WAC 388-95-360 (1), (2), (3), ~~(4)(c), (d), (e), (f), and (g), ((and (3), (4), and))~~ (5), and (6); and

(c) Pay remaining income up to the MNIL to the facility for the cost of board and room.

(5) The SSI-related ~~((nongrant-eligible))~~ CASA client's income remaining after deductions in subsection ~~((2) or (3))~~ (3) or (4) of this section shall be the participation amount for CASA services.

~~((5))~~ (6) When the department has determined that the client has financial participation under subsection ~~((4))~~ (5) of this section, the department shall require the client ~~((must))~~ to meet the participation obligation to remain eligible.

WSR 93-07-124
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 24, 1993, 11:57 a.m.]

Original Notice.

Title of Rule: WAC 388-81-100 Patient requiring regulation (PRR) and 388-86-008 Recipient overutilization.

Purpose: WAC 388-81-100 states medical assistance administration policy relative to client overutilization. Adds that under certain circumstances, the department may assign a client who overutilizes services to a provider and pharmacy. Adds criteria for a person to be assigned to the program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Moves the client overutilization policy for the medical services WAC chapter to the administration chapter. Adds that under certain circumstances, the department may assign a client who overutilizes services to a provider and pharmacy.

Reasons Supporting Proposal: New section states medical assistance administration policy relative to client overutilization. Previously, client overutilization policy was under WAC 388-86-008. Repeals WAC 388-86-008.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 753-0529.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 14th and Franklin, Olympia, Washington, on May 11, 1993, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118 or SCAN 366-0118, by May 7, 1993.

Date of Intended Adoption: May 12, 1993.

March 24, 1993

Rosemary Carr

Acting Director

Administrative Services

NEW SECTION

WAC 388-81-100 Patient requiring regulation (PRR). (1) The department shall operate a patient requiring regulation (PRR) program to identify clients overutilizing, unnecessarily, or inappropriately obtaining medical care under the federal and state-funded medical programs. The department may restrict such clients to primary care provider and pharmacy for medical care.

(2) The purpose of the PRR program shall be to:

(a) Protect the client's health and safety;

(b) Provide continuity of medical care;

(c) Avoid duplication of services by providers; and

(d) Avoid excessive, contraindicated, or potentially harmful use of prescription medications.

(3) For the purposes of this section, "primary care provider (PCP)" means a physician specializing in internal or general medicine or a physician or an advanced registered nurse practitioner specializing in adult health care or family practice, who agrees to provide, manage and coordinate an eligible client's medical care.

(4) The department shall designate staff to determine the client's overuse, inappropriate, or unnecessary useage of medical care by reviewing medical assistance administration (MAA) payment records and other medical information.

(5) Nurse advisors, physicians and pharmacy consultants, and the drug utilization and education (DUE) council

shall establish the medical review guidelines and references sources that the department uses for such determinations.

(6) The department established the following levels of utilization during a three-month period as medical review guidelines for the PRR program:

- (a) Services from four different physicians;
- (b) Prescriptions from four different pharmacies;
- (c) Ten prescriptions received;
- (d) Two emergency room visits; or
- (e) Four prescribers.

(7) When MAA records indicate a client's use of medical care exceeds the guidelines listed under subsection (6) of this section, the department may notify and require the client to select a PCP and pharmacy, within twenty calendar days from the date of receiving notification. The selected PCP and pharmacy shall be located in the client's local geographic area or be reasonably accessible to the client.

(8) The department shall notify the client of the right to:

(a) A fair hearing as required under chapter 388-08 WAC; and

(b) Continuation of nonrestriction when the client files for a fair hearing.

(9) The department shall assign a PCP and pharmacy for such clients who fail to select a PCP and pharmacy within twenty calendar days, unless such client files for a fair hearing.

(10) The client shall not change a selected PCP or pharmacy for six months, except when the:

- (a) Client moves to a new residence outside the designated geographic area of the providers;
- (b) PCP or pharmacy moves from the client's geographical area;
- (c) PCP or pharmacy refuses to continue as the designated provider; or
- (d) Client selects a PCP or pharmacy other than the department assigned PCP or pharmacy under subsection (9) of this section.

(11) The department shall assign a client to the program for a period of twenty-four months and shall review the client's utilization at the end of the twenty-four month period. The client shall remain restricted if the client continues to meet the over utilization criteria in subsection (6) of this section and shall be reviewed at least twenty-four months thereafter.

(12) When department designates a PCP and pharmacy for the client, the department shall issue a medical identification card identifying the client as a patient requiring regulation.

(13) When an emergency occurs as defined under WAC 388-80-005, a provider other than the selected PCP may see the client.

(14) The PCP may refer the client to a specialist(s).

(15) The department shall pay only for MAA covered services authorized by the PCP, referred specialist, or selected pharmacy. The department shall apply billing limitations as described under WAC 388-87-010 and 388-87-015.

(16) The client shall be responsible for payment of covered services not authorized by the PCP, referred specialists or selected pharmacist.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-008 Recipient overutilization.

WSR 93-07-002
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES

[Order 609—Filed March 4, 1993, 11:50 a.m.]

Date of Adoption: March 3, 1993.

Purpose: Removes forest land from DNR protection, assigns responsibility for protection to fire district 21. Removes forest protection assessment from forest lands transferred to fire district protection.

Statutory Authority for Adoption: RCW 76.04.165.

Pursuant to notice filed as WSR 93-03-064 on January 15, 1993.

Changes Other than Editing from Proposed to Adopted Version: Only change is to add section for effective date of transfer of fire protection responsibility.

Effective Date of Rule: Thirty-one days after filing.

March 3, 1993

Kaleen Cottingham
 Department Supervisor

NEW SECTION

WAC 332-24-720 Forest protection zone - Pierce County (1) It is determined that some forest lands within Pierce County are best protected by fire protection districts. Therefore, the forest lands, situated in the following fire district, are removed from the Department's forest protection zone and become the protection responsibility of the district:

(a) Fire Protection District 21. All forest lands, except State and federal forest lands within the legal description as follows: Township 17 North, Range 3 East, W.M., Sections 1, 2, 11, 12; Township 17 North, Range 4 East, W.M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15; Township 17 North, Range 5 East, W.M., Sections 4, 5, 6, 7; Township 18 North, Range 3 East, W.M., Sections 13, 14, 23, 24, 25, 26, 27, 34, 35, 36; Township 18 North, Range 4 East, W.M., Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36; Township 18 North, Range 5, East W.M., Sections 18, 19, 20, 29, 30, 31, 32, 33; Township 19 North, Range 4 East, W.M., Sections 28, 29, 30, 31, 32, 33, 34.

(2) Forest lands removed from the forest protections zone will not be assessed under RCW 76.04.610 or 76.04.630.

(3) The exchange of fire protection responsibility will be effective January 1, 1994.

WSR 93-07-003
PERMANENT RULES
OFFICE OF MARINE SAFETY
 [Filed March 4, 1993, 1:40 p.m.]

Date of Adoption: March 4, 1993.

Purpose: The proposed rule, chapter 317-30 WAC, will implement the program to screen cargo and passenger vessels to determine whether they pose a substantial risk to public health, safety, or the environment as required by RCW 88.46.050.

Statutory Authority for Adoption: RCW 43.211.030 and 88.46.050.

Pursuant to notice filed as WSR 93-02-054 on January 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: The following changes and corrections are to be made to proposed chapter 317-30 WAC, Cargo and passenger vessel screening rules, prior to adoption on March 4, 1993. There may also be further changes pursuant to comments received at the rule-making hearings.

WAC 317-30-040 Substantial risk factors is amended to read: Based on information available, the office will consider a vessel's operating characteristics, cargo and fuel characteristics, and the operating environment in determining whether the vessel poses a substantial risk while operating in state waters. Explanation: Correction for clarification.

WAC 317-30-050 Cargo and fuel characteristics is amended to read: The vessel's cargo and fuel characteristics include such factors as the quantity and type of cargo, and the quantity and type of fuel oil carried. Explanation: Correction for clarification.

WAC 317-30-070(1) is amended to read: External circumstances including ~~forecasted~~ adverse weather, tides, current, actual visibility, and traffic; and Explanation: Correction for clarification.

WAC 317-30-080(1) Notification of entry is amended to read: (1) Except for a vessel subject to WAC 317-30-090, and except as provided in subsection (5) of this section, a cargo or passenger vessel owner or operator shall submit a notice of entry to the office by telefax or telephone at least twenty-four hours before the vessel enters state waters. Explanation: This was added to avoid duplication of advance notice of entry to state and Coast Guard offices.

WAC 317-30-080 (2)(c) is amended to read: The name of the person submitting the notice of entry, if other than the owner or operator; Explanation: Added to make notification simpler.

WAC 317-30-080(5) is added as follows: Vessels that submit an Advance Notice of Arrival to the United States Coast Guard, Thirteenth District, that contains the information required by subsection (2) and (3) of this section and any information required by WAC 317-30-100 need not provide the notice to the Office of Marine Safety otherwise required by subsection (1) of this section. Explanation: this was added to avoid duplication of advance notice of entry to state and Coast Guard offices.

Effective Date of Rule: Thirty-one days after filing.

March 4, 1993

Barbara Herman
 Administrator

Chapter 317-30 WAC
CARGO AND PASSENGER VESSEL SCREENING
RULES

NEW SECTION

WAC 317-30-010 Purpose. This chapter implements the cargo and passenger vessel screening program established in RCW 88.46.050 to:

(1) Protect the state's natural resources;

(2) Provide for safe marine transportation in state waters; and

(3) Determine whether cargo and passenger vessels entering or operating in state waters pose a substantial risk of harm to the public health and safety and to the environment.

NEW SECTION

WAC 317-30-020 Application. (1) The definitions in chapter 317-05 WAC apply to this chapter unless otherwise indicated.

(2) Owners and operators of cargo and passenger vessels entering or operating in state waters shall comply with the provisions of this chapter.

NEW SECTION

WAC 317-30-030 Screening for substantial risk. (1) The office may screen any cargo or passenger vessel entering or operating in state waters. Screening a cargo or passenger vessel involves a determination of whether the vessel poses a substantial risk of harm to the public health and safety and to the environment based on vessel information collected by the office. The office may collect information from any source, including the owner and operator, other public agencies, or by inspection.

(2) A vessel poses a substantial risk if:

(a) The vessel is not covered by, or fails to comply with, a contingency plan on file with the office; or

(b) The office determines that the vessel is reasonably considered to pose a hazard or danger to the state's marine environment, to the public health and safety of its citizens, or to marine transportation.

NEW SECTION

WAC 317-30-040 Substantial risk factors. Based on information available, the office will consider a vessel's operating characteristics, cargo and fuel characteristics, and the operating environment in determining whether the vessel poses a substantial risk while operating in state waters.

NEW SECTION

WAC 317-30-050 Cargo and fuel characteristics. The vessel's cargo and fuel characteristics include such factors as the quantity and type of cargo, and the quantity and type of fuel oil carried.

NEW SECTION

WAC 317-30-060 Operating characteristics. The vessel's operating characteristics include such factors as:

(1) Casualty and spill history;

(2) Intended oil transfer operations, and hazardous bulk cargo operations, in state waters;

(3) Dimensions;

(4) Age and condition;

(5) Maneuvering capabilities, including type, age, capacities, and condition of all propulsion and navigation systems, turning radius, and emergency stopping abilities;

(6) Outstanding deficiencies documented by flag and port state control;

(7) Ownership and classification;

(8) Safety reports under WAC 317-30-100;

(9) Frequency and duration of vessel operations in state waters;

(10) The ability of the crew to communicate among themselves and with others; and

(11) Licensing and documentation information of vessel officers and crew.

NEW SECTION

WAC 317-30-070 Operating environment. The vessel's operating environment includes such factors as:

(1) External circumstances including adverse weather, tides, current, actual visibility, and traffic; and

(2) Environmental sensitivity of areas along the vessel's route of travel as identified by the state's geographic area planning maps or sensitive area maps coupled with Washington's oil spill compensation schedule.

NEW SECTION

WAC 317-30-080 Notification of entry. (1) Except for a vessel subject to WAC 317-30-090, and except as provided in subsection (5) of this section, a cargo or passenger vessel owner or operator shall submit a notice of entry to the office by telefax or telephone at least twenty-four hours before the vessel enters state waters.

(2) An owner or operator shall submit the following information in the notice of entry:

(a) The vessel's name, country of registry, type, call sign, and official number of the vessel;

(b) The name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator, or representative;

(c) The name of the person submitting the notice of entry, if other than the owner or operator;

(d) The estimated date, time, and point of entry into state waters by the vessel;

(e) Intended berths or anchorages in Washington;

(f) Last and next port of call;

(g) The amount and type of bunker or cargo, or both, that will be transferred;

(h) A safety report required under WAC 317-30-100; and

(i) Identification of the contingency plan covering the vessel under Washington law and chapter 317-10 WAC.

(3) In addition to providing the information in subsection (2) of this section, an owner or operator of a cargo or passenger vessel carrying dangerous cargo in bulk, defined in 33 C.F.R. §160.203, shall submit with its notice of entry the following information:

(a) The name and quantity of the dangerous cargo carried in bulk;

(b) The location of the vessel at the time the report is submitted; and

(c) The stowage location of the dangerous cargo.

(4) If an owner or operator is unable to provide notice at least twenty-four hours prior to arrival as required by subsection (1) of this section, the owner or operator shall give notice to the office as soon as practicable and shall include an explanation for the delay in notifying the office.

(5) Vessels that submit an advance notice of arrival to the United States Coast Guard, Thirteenth District, that contains the information required by subsections (2) and (3) of this section and any information required by WAC 317-30-100 need not provide the notice to the office of marine safety otherwise required by subsection (1) of this section.

NEW SECTION

WAC 317-30-090 Intrastate operation. (1) If a cargo or passenger vessel operates more than fifty percent of the time in state waters, the vessel's owner or operator shall submit to the office a written schedule of the vessel's typical operations before operating the vessel in state waters.

(2) The written schedule must identify the:

(a) Vessel's name, size (including gross tonnage, length overall, beam, and maximum anticipated draft), type, call sign, and official number;

(b) Name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator;

(c) Vessel's maximum fuel oil capacity in United States gallons, average quantity of fuel oil carried, type of fuel oil carried, usual place and schedule for bunkering;

(d) Typical routes served by the vessel;

(e) Usual or typical schedule of the vessel; and

(f) Cargo(s) carried and capacity.

(3) Vessels providing a schedule under this section are excused from notice requirements under WAC 317-30-080.

NEW SECTION

WAC 317-30-100 Safety reports. (1) The owners or operators of cargo and passenger vessels shall submit a safety report to the office with each notice of entry that indicates the existence of any of the following vessel conditions:

(a) Any abnormality or malfunction of any steering, navigation, propulsion or safety systems;

(b) A breach of the hull or the integrity of a cargo or bunker tank that causes or that may reasonably be expected to cause an oil spill or loss of stability;

(c) Damage from a fire or explosion;

(d) An incomplete engineering or deck complement under United States law or regulation or under the requirements of the vessel's country of registry; or

(e) Any condition that could adversely affect the safety of a vessel, bridge, structure, shore area, or the environment.

(2) The safety report must describe the condition and state what steps were taken to correct or compensate for the condition.

NEW SECTION

WAC 317-30-110 Safety reports after notice or waiver. If a condition described in WAC 317-30-100(1) arises after a notice of entry or notice of intrastate operation is submitted, or after a waiver is granted, then the owner or operator shall immediately notify the office of the condition by telefax or telephone. A written safety report meeting the requirements of WAC 317-30-100 must be submitted to the office no later than forty-eight hours after notice of the condition is made.

NEW SECTION

WAC 317-30-120 Waivers. (1) The office may, in its discretion, waive the requirement for notice under WAC 317-30-080 or 317-30-090 for vessels routinely scheduled to enter state waters. To apply for a waiver, the owner or operator of a cargo or passenger vessel shall submit a written application that contains:

(a) The vessel's name, size (including tonnage, length overall, beam, and maximum draft), country of registry, vessel type, call sign, and official number of the vessel;

(b) The name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator, or representative;

(c) The anticipated schedule of the vessel's operations in state waters; and

(d) A statement by the owner or operator, or authorized agent, describing the vessel's safety record for the last two years.

(2) The office may grant a waiver if the vessel's owner or operator demonstrates a history of safe operations in state waters for the past two years. The office may grant the waiver in whole or in part, and with conditions, including time limitations, as the office deems appropriate.

NEW SECTION

WAC 317-30-130 Inspections. (1) Office personnel may board and inspect a cargo or passenger vessel during the vessel's scheduled stay in port if the office determines that the vessel poses a substantial risk, if the office has reason to believe that a vessel may pose a substantial risk, or if the office does not have sufficient information to make a substantial risk determination under WAC 317-30-030. The owner or operator shall make the vessel available for inspection on request by the office.

(2) When timely and feasible, the office will seek more information concerning the vessel from the United States Coast Guard or the owner or operator of the vessel, prior to or in lieu of performing an inspection of the vessel.

(3) Inspections will focus on those factors needed or used to make a substantial risk determination. Any violations of federal or international rules observed will be reported to the United States Coast Guard. In addition, inspections will be coordinated with the United States Coast Guard.

NEW SECTION

WAC 317-30-140 Vessels posing a substantial risk. If the office determines that a cargo or passenger vessel poses a substantial risk, the office may:

(1) Request that the United States Coast Guard deny entry; or

(2) Issue an order allowing the vessel to enter or operate in state waters subject to conditions the office determines will minimize the risk the vessel poses. The conditions may include:

(a) Submission of specified information or written material about the vessel and its operations;

(b) Tug or spill response vessel escorts;

(c) The addition of officers, crew, or licensed pilots;

(d) Limiting the vessel's speed along an intended route;

- (e) Restricting the vessel's route, or area of operation;
- (f) Restricting operations in adverse weather, tidal, or current conditions;
- (g) Restricting bunkering or cargo transfer operations;
- (h) Placing navigation, communications, or other special equipment on board; and
- (i) Other conditions, restrictions, or requirements deemed appropriate under the circumstances.

NEW SECTION

WAC 317-30-150 Penalties. A person who violates the provisions of this chapter or orders issued under this chapter, is subject to civil and criminal penalties and procedures under RCW 88.46.080 and 88.46.090.

NEW SECTION

WAC 317-30-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WSR 93-07-004**PERMANENT RULES****OFFICE OF MARINE SAFETY**

[Filed March 4, 1993, 1:42 p.m.]

Date of Adoption: March 4, 1993.

Purpose: Chapter 317-05 WAC, as proposed, provides definitions for use in conjunction with chapters 317-20 and 317-30 WAC, concurrently proposed.

Statutory Authority for Adoption: RCW 43.211.030, 88.46.010, 88.46.040, and 88.46.050.

Pursuant to notice filed as WSR 93-02-053 on January 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: The following changes and corrections are to be made to proposed chapter 317-05 WAC, Definitions, prior to adoption on March 4, 1993. There may also be further changes pursuant to comments received at the rule-making hearings.

WAC 317-05-020 (8)(b) is amended to read: A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) a stationary marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction. Explanation: "Stationary" was added to clarify that vessels and mobile facilities are not marine fuel outlets.

WAC 317-05-020 (15)(ii) is amended to read: In the case of an ~~ancher~~ onshore or offshore facility, any person owning or operating the facility; and Explanation: Typographical error.

WAC 317-05-020(20) is amended to read: "State waters" means the navigable waters of ~~Washington~~ the state

(as defined in subsection (10) of this section). Explanation: Correction to provide consistency.

WAC 317-05-020(21) is stricken: "~~Substantial risk" means a risk that is reasonably considered to pose a hazard or danger to the state's marine environment, to the public health and safety of its citizens, or to marine transportation.~~ Explanation: This definition is not needed in the definition chapter. It has been provided in the cargo and passenger rules, and applies only to that chapter (chapter 317-30 WAC).

WAC 317-05-020 (22)(b) has been added as follows: A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. An oil spill response vessel whose principal function is collection of spilled oil from the water, and may have some recovered oil storage capacity, does not carry oil as cargo. Explanation: This portion of the definition was added to clarify that oil spill response vessels will not be included in the definition of tank vessel and to further clarify that other vessels that carry oil cargo in bulk, certificated to or not, will be included in the definition of tank vessel.

WAC 317-05-020(22) has been renumbered. It is now WAC 317-05-020(21).

Effective Date of Rule: Thirty-one days after filing.

March 4, 1993

Barbara Herman
Administrator**Chapter 317-05 WAC
DEFINITIONS****NEW SECTION**

WAC 317-05-010 Application. The definitions in this section apply throughout this Title unless it is expressly stated, or context clearly requires, otherwise.

NEW SECTION

WAC 317-05-020 Definitions. (1) "Administrator" means the administrator of the office of marine safety.

(2) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred gross tons or more, including but not limited to, commercial fish processing vessels and freighters.

(4) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(8)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that

transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Retail motor vehicle motor fuel outlet;

(iii) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330;

(iv) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or

(v) A stationary marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(9) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(10) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide, or are used presently, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce, or any of these factors.

(11) "Office" means the office of marine safety.

(12) "Oil" or "oils" means any naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302 adopted August 14, 1989, under section 101(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility, as defined in subsection (8) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility as defined in subsection (9) of this section.

(14) "Onshore facility" means any facility, as defined in subsection (8) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means:

(i) In the case of a vessel, any person owning, operating, or chartering by demise (bareboat charter), the vessel;

(ii) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(iii) In the case of an abandoned vessel, onshore, or offshore facility, the person who owned or operated the vessel, anchor or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, ship, or any other entity whatsoever.

(18) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(19) "Spill" means an unauthorized discharge of oil into the waters of the state.

(20) "State waters" means the navigable waters of the state.

(21) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

A ship is constructed or adapted to carry oil in bulk as cargo or cargo residue if authorized to do so under the ship's certification. A vessel carries oil as cargo or cargo residue if the oil is carried for dispensing to other vessels or equipment off the vessel, or for delivery from point to point, regardless of whether direct compensation for carriage is involved. A vessel being used to collect spilled oil from the water, and may have some recovered oil storage capacity, does not carry oil as cargo.

NEW SECTION

WAC 317-05-030 Computation of time. In computing a period of time established by these rules, the day of the act, incident, or default which starts the period prescribed is not included. If the last day of the period falls on a Saturday, Sunday, or legal holiday, the period is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday. Days run from midnight to midnight except for the last day of the period which ends at the close of business on that day.

WSR 93-07-005

PERMANENT RULES

OFFICE OF MARINE SAFETY

[Filed March 4, 1993, 1:44 p.m.]

Date of Adoption: March 4, 1993.

Purpose: The proposed rules, chapter 317-20 WAC, will implement the State Office of Marine Safety's program to receive and review tank vessel oil spill prevention plans, as required by RCW 88.46.040.

Statutory Authority for Adoption: RCW 43.211.030 and 88.46.040.

Pursuant to notice filed as WSR 93-02-055 on January 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: The following changes and corrections are to be made to proposed chapter 317-20 WAC, Tank vessel

prevention plan rules, prior to adoption on March 4, 1993. There may also be further changes pursuant to comments received at the rule-making hearings.

WAC 317-20-025 Successive plans, is added to read: An owner or operator may at any time submit a new complete plan for review and approval under this chapter that revokes the application of a prior approved plan to the vessel for which the new plan is submitted.

WAC 317-20-050(3), Plan submission, is added as follows: An owner or operator may submit a plan for a fleet of tank vessels. The plan must provide information unique to each class of vessel in a separate appendices. A class of vessel is a class ~~applicable to a tank vessel and~~ described in Table 2.01-7(a) of Title 46 of the Code of Federal Regulation, Part 1, and applicable to a tank vessel as defined in WAC 317-20-020.

WAC 317-20-060(2) Plan completeness, is amended to read: (2) If information required under this chapter is not applicable to the covered vessel, the owner or operator shall identify the specific provision requiring the information ~~and~~, state "not applicable," and provide a brief explanation of why the provision is not applicable. Explanation: This information is necessary for plan reviewers to determine if "not applicable" is valid.

WAC 317-20-130(1) is added, as follows: A tank vessel owner or operator shall submit a notice of entry to the office by telephone or telefax at least twenty-four hours before the vessel enters state waters. The owner or operator who submits an Advance Notice of Arrival to the United States Coast Guard, Thirteenth District, that contains the information required by subsections (2) and (3) of this section need not provide the Advance Notice of Entry to the Office required by subsection (1) of this section. Explanation: This was added to avoid duplication of advance notice of entry to state and Coast Guard offices.

WAC 317-20-155 has been added, as follows: Units of Measurement. All dimensions, volumes, weights and other measures provided in a vessel prevention plan must be submitted in metric units. Explanation: This section was added for consistency in prevention plans.

CLARIFICATION: WAC 317-20-180(2) defines a near miss as a "nonroutine" event. "Nonroutine" is intended to elicit reports of a broad range of events as near misses, but not every course change.

Effective Date of Rule: Thirty-one days after filing.

March 4, 1993

Barbara Herman
Administrator

Chapter 317-20 WAC OIL SPILL PREVENTION PLANS

PART I GENERAL

NEW SECTION

WAC 317-20-010 Purpose. This chapter establishes oil spill prevention plan requirements for tank vessels to:

- (1) Improve marine safety in the state's waters;
- (2) Reduce the risk of an oil spill;

(3) Provide the best achievable protection of the state's waters, and natural resources from oil spills; and

(4) Encourage the development and use of new or improved technology and procedures designed to increase marine safety and protection of the state's natural resources.

NEW SECTION

WAC 317-20-020 Application. (1) Other than vessels that meet the exception in RCW 88.46.080 (2)(c), a tank vessel may not operate in state waters unless the vessel's owner or operator complies with this chapter and any order issued by the office in administering this chapter.

(2) An oil spill prevention plan approved by the office binds the owner, operator, or charterer by demise (bareboat charterer) of a tank vessel covered by the plan, and their successors, assigns, agents, and employees.

NEW SECTION

WAC 317-20-025 Successive plans. An owner or operator may at any time submit a new complete plan for review and approval under this chapter that revokes the prior plan for that vessel.

NEW SECTION

WAC 317-20-030 Duties. An owner or operator of a tank vessel shall:

- (1) Ensure that an approved oil spill prevention plan remains current and accurately represents the owner's or operator's policies, procedures, and practices;
- (2) Update the approved plan annually if necessary;
- (3) Make the vessel available during its scheduled stay in port for inspection if requested by the office; and
- (4) Supply information or documents requested by the office to complete a submitted plan, or to clarify or confirm information presented in the plan.

NEW SECTION

WAC 317-20-040 Definitions. Unless the context clearly requires otherwise, the definitions in chapter 317-05 WAC and the following apply to this chapter:

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection available. The administrator's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering:

- (a) The additional protection provided by the measures;
- (b) The technological achievability of the measures; and
- (c) The cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration:

- (a) Processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development; and
- (b) Processes that are currently in use. In determining what is best achievable technology, the administrator shall

consider the effectiveness, engineering, feasibility, and commercial availability of the technology.

(3) "Document" means a record including any printed or written paper, completed form, bound record book, log, photograph, film, sound recording, drawing, machine-readable material, or other recording device regardless of nature or characteristics.

(4) "Fleet" means more than one tank vessel operated by the same owner or operator.

(5) "Human performance measures" mean an owner's or operator's policies, procedures, and practices that minimize the potential for human error in vessel maintenance and operation, and the handling of oil.

(6) "Proficient in English" means the ability to communicate in the English language to adequately interact with municipal, state, and federal authorities, and personnel from other vessels and facilities to safely complete a vessel operation.

(7) "Training" means instruction, materials, and procedures, formal and informal, beyond minimum applicable crew licensing and documentation requirements, including shipboard materials, practical exercises, drills, on-the-job training, and other measures to ensure a capable and knowledgeable staff.

NEW SECTION

WAC 317-20-050 Plan submission. (1) An owner or operator shall submit three copies of an oil spill prevention plan to the office. Each copy must be in the format and contain the information required in WAC 317-20-150.

(2) An owner or operator may submit a combined oil spill contingency plan and oil spill prevention plan. Six copies of the combined plan must be submitted to the office. Information that fulfills both the requirements of this chapter and chapter 317-10 WAC need not be repeated but must be clearly cross referenced either in the body of the plan or in the cover letter required in subsection (5) of this section. Information that fulfills either the requirements of this chapter or the requirements of chapter 317-10 WAC, but not both, must be clearly distinguished.

(3) An owner or operator may submit a plan for a fleet of tank vessels. The plan must provide information unique to each class of vessel in separate appendices. A class of vessel is a class described in Table 2.01-7(a) of Title 46 of the Code of Federal Regulation, Part 1, and applicable to a tank vessel as defined in WAC 317-20-020.

(4) An owner or operator may submit a prevention plan prepared under federal law or the laws of another state if the plan contains the information required by this chapter. The information contained in the plan must be clearly cross referenced with the applicable provisions of this chapter in the cover letter required in subsection (5) of this section.

(5) Each plan submitted must contain a cover letter identifying:

(a) The owner or operator by name, principle place of business, mailing address, and telephone number;

(b) The vessel for which the plan is submitted; and

(c) The name, address, and telephone number of a person designated by the owner or operator to be contacted for matters concerning the plan.

(6) An owner or operator may request an extension of time to comply with a deadline imposed in this chapter or by the office. The office will grant extensions for good cause.

PART II PLAN APPROVAL

NEW SECTION

WAC 317-20-055 Review process. The office's review of an oil spill prevention plan comprises three steps. The first step is to determine whether the plan is complete. The second step is to determine whether a complete plan demonstrates minimum compliance. The third step is to approve a complete plan that demonstrates best achievable protection.

NEW SECTION

WAC 317-20-060 Plan completeness. (1) When an oil spill prevention plan is received, the office will determine whether the plan is complete or incomplete. If the plan is incomplete, the owner or operator will be notified within sixty days from the date of receipt. If the plan is complete, the office will start its review for minimum compliance and approval under this chapter.

(2) If information required under this chapter is not applicable to the covered vessel, the owner or operator shall identify the specific provision requiring the information, state "not applicable," and provide a brief explanation of why the provision is not applicable.

NEW SECTION

WAC 317-20-065 Verification of minimum compliance. (1) The office will issue a verification of minimum compliance for an oil spill prevention plan that demonstrates compliance with the minimum operating standards in WAC 317-20-140. The verification is valid until the plan is approved or disapproved.

(2) Once a verification of minimum compliance has been issued, the owner or operator, and the owner or operator's successors, assigns, agents, and employees are bound to comply with the standards for tank vessel operations under WAC 317-20-140.

(3) Other than the standards in WAC 317-20-140, an owner or operator, and the owner or operator's successors, assigns, agents, and employees are not bound to or by any other information contained in a plan for which a verification of compliance has been issued.

NEW SECTION

WAC 317-20-066 Best achievable protection. (1) The office will review oil spill prevention plans submitted under this chapter to determine what measures comprise best achievable protection from oil spills. The office will amend this chapter to include those measures after public notice and providing interested parties an opportunity to be heard.

(2) After this chapter is amended, an owner or operator has six months to submit an amended plan or a new plan to conform to the office's determination of best achievable protection.

NEW SECTION

WAC 317-20-070 Plan approval. (Reserved.)

**PART III
COMPLIANCE**

NEW SECTION

WAC 317-20-080 Failure to comply—Plan disapproval. (1) An owner or operator of a tank vessel shall comply with the requirements of this chapter, the approved oil spill prevention plan for the vessel, and any order issued by the office in administering this chapter. If an owner or operator fails to comply with an order, the office may take the following administrative actions:

- (a) Disapprove the plan;
 - (b) Restrict the tank vessel's movements or operations in state waters, or both;
 - (c) Assess civil and criminal penalties under RCW 88.46.080 and 88.46.090; or
 - (d) Deny entry into state waters.
- (2) An owner or operator subject to administrative action under this section may request reconsideration of the action in writing. The request must be received by the office no later than fourteen days after the office issues the notification of the action.

NEW SECTION

WAC 317-20-090 Immediate administrative action. If the administrator believes that the condition or operation of a tank vessel requires immediate administrative action to accomplish the purposes of this chapter, the administrator may issue an emergency order under WAC 317-20-080(1) requiring immediate compliance.

NEW SECTION

WAC 317-20-100 Waivers. (1) The office may waive specific requirements under this chapter if an owner or operator submits an application for waiver demonstrating that:

- (a) Complying with a requirement would be unduly burdensome and there is an alternative to strict compliance that meets the purposes for which the requirement was adopted; or
 - (b) There is a legal basis to support the waiver.
- (2) An owner or operator requesting a waiver under subsection (1)(b) of this section shall clearly identify:
- (a) The provision of this chapter requiring the information;
 - (b) The legal basis to support the waiver; and
 - (c) A general description of the information and the location of the information.
- (3) The office will waive application of this chapter to a vessel certificated as a tank vessel if the owner or operator submits a waiver application stating that the vessel:
- (a) Is not used, and will not be used, to carry oil in bulk as cargo or cargo residue; or
 - (b) Is not carrying oil in bulk as cargo and is destined to a marine facility for repairs.
- (4) A waiver granted under this section is valid until the vessel is used to carry oil in bulk as cargo or cargo residue

but in no instance for more than five years unless an extension is granted by the office prior to its expiration date.

(5) The office may condition a waiver and a waiver extension to ensure the best achievable protection of the state's natural resources and marine safety.

NEW SECTION

WAC 317-20-110 Information protected from public disclosure. (1) An owner or operator may request that information contained in an oil spill prevention plan be protected from public disclosure. The request must be made in writing to the administrator and identify the legal basis to support the request. The information to be protected must be identified clearly by plan section, page number, paragraph, and, if possible, sentence.

(2) The owner or operator is solely responsible for all costs incurred, including reasonable attorney fees, in defending against any action for public disclosure brought under chapter 42.17 RCW. The owner or operator may seek injunctive relief under RCW 42.17.350. If the office receives a request for public disclosure of information for which an owner or operator has requested protection, the office will:

- (a) Notify the owner or operator when a request is made;
- (b) Notify the owner or operator of any proceedings initiated to compel disclosure; and
- (c) Withhold the information until released by the owner or operator or until a court order requires disclosure.

NEW SECTION

WAC 317-20-120 Plan update. (1) If there is a significant change affecting an oil spill prevention plan, the vessel's owner or operator shall notify the office in writing immediately on request by the office. If no request is made, the owner or operator shall notify the office in writing no later than sixty days after the significant change occurs. The notice must briefly summarize the significant change or changes.

(2) A significant change occurs when there is a change in the following that renders information provided in the plan inaccurate:

- (a) Manning levels;
- (b) Crew training and qualifications beyond those required by the vessel's flag nation;
- (c) The configuration of navigation and cargo systems described in WAC 317-20-220 (1)(a) and (b);
- (d) Preventive maintenance inspections under WAC 317-20-210(1);
- (e) The flag nation of a vessel;
- (f) The vessel's name;
- (g) The vessel's owner, operator, or representative;
- (h) The checklists provided under WAC 317-20-240; or
- (i) The cargo or grade of cargo the vessel is authorized to carry by its flag nation.

(3) Each year after a plan is approved, owners and operators shall submit a plan update in the form of an amendment if necessary to make the plan current and accurate.

NEW SECTION

WAC 317-20-130 Notice of entry. (1) A tank vessel owner or operator shall submit a notice of entry to the office by telephone or telefax at least twenty-four hours before the vessel enters state waters. The owner or operator who submits an advanced notice of arrival to the United States Coast Guard, Thirteenth District, that contains the information required by subsections (2) and (3) of this section need not provide the advance notice of entry to the office required by subsection (1) of this section.

(2) An owner or operator shall submit the following information in the notice of entry;

(a) The vessel's name, country of registry, type, call sign, and official number of the vessel;

(b) The name, mailing address, telefax number, and telephone number for immediate contact of the owner or operator, or representative;

(c) The name of the person submitting the notice of entry;

(d) The estimated date, time, and point of entry into state waters by the vessel;

(e) Intended berths or anchorages in Washington;

(f) Last and next port of call;

(g) The amount and type of bunker or cargo, or both, that will be transferred;

(h) Expected pilotage, tug escort, lightering, or other assistance beyond that required by federal or state law;

(i) The operational deficiencies of the vessel's primary and auxiliary navigation, propulsion, or cargo containment and transfer systems; and

(j) Identification of the contingency plan covering the vessel under Washington law.

(3) If an owner or operator is unable to provide notice twenty-four hours prior to arrival as required by subsection (1) of this section, the owner or operator shall give notice to the office as soon as practicable and shall include an explanation for the delay.

PART IV PLAN REQUIREMENTS

NEW SECTION

WAC 317-20-140 Standards for tank vessel operations. An oil spill prevention plan must demonstrate that the owner or operator complies with the following minimum operating standards:

(1) The owner or operator has policies, procedures, and practices that ensure compliance with applicable working hour restrictions under federal law or rule and international convention;

(2) Procedures exist for usual and emergency bridge operations, cargo handling, and bunkering that assign operational tasks, allow crew responsible for each operation to perform their primary duty and, if duties overlap, that designate available backup crew;

(3) A licensed deck officer, other than a state-licensed pilot, who speaks English proficiently is always on the bridge while the vessel is underway in state waters;

(4) A qualified crew member who speaks English proficiently is always in charge of bunkering and cargo transfer while the vessel is in state waters;

(5) Multinational crews are capable of communicating proficiently among themselves;

(6) Crew training is required for the technology present in the systems that the crew must operate;

(7) Written policies exist prohibiting persons from being under the influence of alcohol or illegal drugs while aboard or subject to the call of the vessel in state waters;

(8) Before using a facility, the vessel's crew responsible for any oil transfer operation will ensure, through a pretransfer conference or other appropriate means, that the facility's requirements for the vessel's equipment and procedures are met;

(9) The vessel complies with applicable United States Coast Guard and other federal, international, and flag nation requirements;

(10) The owner or operator has implemented remedial policies, procedures, and practices to prevent a reoccurrence of a vessel's past events, defined in WAC 317-20-180.

(11) For a tank barge, the owner or operator has policies, procedures, and practices to ensure that a vessel supplying propulsion to the tank barge meets the standards in subsections (1) through (10) of this section, where applicable.

NEW SECTION

WAC 317-20-150 Plan format and contents. Each oil spill prevention plan submitted must be divided into a system of numbered chapters, sections, and appendices, and bound and tabbed in loose-leaf binders. Except for plans prepared under federal law or the laws of another state, each plan must contain the chapters described in this section in the following order:

(1) PREFACE. Include the submittal agreement required under WAC 317-20-160, a copy of the cover letter submitted with the plan under WAC 317-20-050, any letter addressed to the administrator identifying protected information under WAC 317-20-110, and a statement by the owner or operator that the vessel complies with the financial responsibility requirements of chapter 88.40 RCW.

(2) AMENDMENT LOG. Include a log to record amendments to the plan and indicate the section amended, the date of amendment, and the name of the person making the amendment.

(3) TABLE OF CONTENTS. The table of contents must show the chapter, section, and appendix titles and page numbers, and the page numbers for tables, figures, and other graphics. In addition, the table of contents must be in outline form and indicate by page number the information provided in the plan for each part, section, and subsection of this chapter.

(a) CHAPTER I: OPERATIONAL SUMMARY. Include the operational summary required under WAC 317-20-170.

(b) CHAPTER II: EVENT REPORTS. Include the event summary required under WAC 317-20-190.

(c) CHAPTER III: PERSONNEL. Include the personnel information required under WAC 317-20-200.

(d) CHAPTER IV: PREVENTIVE MAINTENANCE. Include the description of the vessel's preventive maintenance program required under WAC 317-20-210.

(e) CHAPTER V: SPILL PREVENTION TECHNOLOGY. Include the description of spill prevention technology required under WAC 317-20-220.

(f) CHAPTER VI: REGIONAL MARINE SAFETY COMMITTEES. Reserved.

(g) (OPTIONAL) CHAPTER VII: EFFECTIVENESS ASSESSMENT. If desirable, include the owner's or operator's assessment of the level of oil spill prevention demonstrated by the plan and identify the key elements leading to the assessment's conclusion.

NEW SECTION

WAC 317-20-155 Units of measurement. Owners or operators shall indicate units of measure as follows: All volumetric measurements shall be in barrels (petroleum); linear measurements shall be in feet and decimal feet; weight measurements shall be in long tons; velocity shall be expressed in knots; propulsive power shall be expressed in horsepower.

NEW SECTION

WAC 317-20-160 Submittal agreement. Each oil spill prevention plan must include a submittal agreement containing:

(1) A statement of the plan's purpose and scope, including personnel, vessels, and operations covered by the plan;

(2) The vessel's (a) name and exnames, (b) country of registry, official number, and call sign, (c) oil carrying capacity, (d) length overall, maximum beam, gross tonnage, deadweight tonnage, number of screws, shaft horsepower, and type of propulsion, (e) a simple diagram of the vessel's general arrangement and cargo piping arrangements, and (f) for tank barges, the minimum shaft horsepower, number and type of screws, and number of persons manning vessels that will be used to tow the barge; and

(3) The highest grade of oil the vessel is certificated to carry.

NEW SECTION

WAC 317-20-165 Intrastate vessel operations schedule. (1) An owner or operator of a tank vessel that operates entirely in state waters shall submit to the office a written schedule of the vessel's typical operations before operating the vessel in state waters.

(2) The written schedule must identify the:

(a) Vessel's maximum bunker and cargo capacity in United States gallons, average quantity of bunker and cargo carried, and usual place and schedule for oil transfer operations;

(b) Typical routes served by the vessel;

(c) Typical schedule of the vessel;

(d) Expected pilotage, tug escort, lightering, or other assistance beyond that required by federal or state law;

(e) The operational condition of the vessel's primary and auxiliary navigation, propulsion, and cargo containment and transfer systems; and

(f) Identify the contingency plan covering the vessel under Washington law.

NEW SECTION

WAC 317-20-170 Operational summary. (1) Each oil spill prevention plan must contain a brief summary of each vessel's operations in state waters. The outline must clearly indicate:

(a) Frequency and duration of typical ports of call in state waters;

(b) Vessel crew assignments, lookout, station bills, or other measures used on the vessel beyond that required by federal or state law for safe transit along routes through areas that present navigational hazards such as narrow or shallow passages, difficult anchorages, congested harbors and traffic lanes, and other known hazards;

(c) The total vessel manning complement required for compliance with company policy, collective bargaining agreements, insurance and underwriters, or other agreement; and

(d) The rating and assigned duties of any licensed or documented seamen who are brought aboard to temporarily relieve or supplement the vessel's manning complement, if any, while the vessel is in port.

(2) Vessel operations include open water navigation, close quarter or restricted waterway maneuvering, mooring (single point), docking, anchoring, taking or releasing tows, taking or releasing auxiliary assistance, cargo transfer, bunkering, and lightering.

(3) An operational summary for a tank barge must also include a summary of information requested under subsection (1) of this section that is applicable to a typical vessel supplying propulsion to the tank barge.

NEW SECTION

WAC 317-20-180 Definition of event. (1) For the purposes of WAC 317-20-140 and 317-20-190 "event" means:

(a) A collision, near-miss incident, marine casualty, or a disabled vessel; or

(b) Oil spills of over twenty-five barrels from a tank vessel.

(2) "Near-miss incident" means a pilot, master, or other person in charge of navigating a tank vessel successfully takes action of a nonroutine nature to avoid:

(a) Collision with another ship, structure, or aid to navigation;

(b) Grounding of the vessel; or

(c) Damage to the environment. A near-miss incident also includes a vessel leaving a moored position to avoid damage from other vessels, fire, or other potential hazards.

(3) "Marine casualties" mean those occurrences described in Title 46 of the Code of Federal Regulations, section 4.05-1, except parts (d) and (e) of that section, but regardless of the vessel's nature or nation of registry and regardless of the geographic location of the occurrences.

(4) "Disabled" means:

(a) An accidental or intentional grounding;

(b) Failure of the main propulsion or primary steering, or a component or control system that causes a reduction in the vessel's maneuvering capabilities;

(c) An occurrence adversely affecting the vessel's seaworthiness or fitness for service, including but not limited to, fire, flood, or collision with another vessel;

(d) Any occurrence that creates the serious possibility of an oil spill or that results in a spill; or

(e) For a tank barge, damaged towing gear.

NEW SECTION

WAC 317-20-190 Reporting events. (1) Each oil spill prevention plan must contain a summary of each event involving the vessel during the past five years, or during the time the vessel has been under the control of the owner or operator, if less than five years. The summary must include, if available:

(a) The date, time, and location of each event;

(b) The weather conditions at the time of the event;

(c) The vessel operations underway at the time;

(d) The identity of any facilities and other vessels involved in the event;

(e) The type and amount of any oil spilled, and the estimated amount recovered;

(f) A list of any government agencies to which the event was reported;

(g) A brief analysis of any known causes and contributing factors for each event that considers, at a minimum, human error, equipment or technology failure, and maintenance or inspection deficiencies;

(h) A description of measures taken to prevent a reoccurrence of each event, including changes to the operating or maintenance procedures, personnel policies, vessel crew and organization, and the vessel's technology.

(2) The owner or operator shall submit to the office reports of events that occur after a plan is submitted. Each report must contain the information required by subsection (1) of this section. The owner or operator shall submit the report immediately on request by the office. If the office makes no request, the owner or operator shall submit a report no later than sixty days after the date of the event.

NEW SECTION

WAC 317-20-200 Personnel information. (1) Each oil spill prevention plan must contain an organizational diagram depicting the allocation and transfer of responsibilities outlined in the plan among the owner's or operator's personnel.

(2) Each plan must describe in detail the owner or operator's spill prevention training, including the extent and duration of training, the standards for successful completion, and the amount of training provided in the classroom, in practical exercises, and on the job. Spill prevention training includes the following areas:

(a) Vessel operations;

(b) Human performance measures as defined under WAC 317-20-040; and

(c) Prevention of and response to situations that may result in an event as defined in WAC 317-20-180.

(3) Each plan must identify human performance measures used by the owner or operator. Human performance measures include, but are not limited to, policies, procedures, and practices that:

(a) Encourage crew compliance with the minimum tank vessel operation standards described in WAC 317-20-140;

(b) Provide for the replacement of or otherwise accommodate for crew members who are ill, injured, or unavailable;

(c) Identify and replace or retrain crew members who are negligent, impaired, or incompetent;

(d) Provide incentives for the crew to perform safe and pollution-free operations;

(e) Ensure that personnel are capable of perceiving threats of accidents or spills in time to take effective preventive action; and

(f) Plan for foreseeable emergencies and provide understandable assignments to the crew in the event of a particular emergency.

(4) For tank barges, each plan must also include information requested under subsections (1) through (3) of this section that is applicable to a typical vessel supplying propulsion to the tank barge.

NEW SECTION

WAC 317-20-210 Preventive maintenance program. Each oil spill prevention plan must contain a description of the preventive maintenance program for vessels covered by the plan. The description must include, but is not limited to:

(1) An outline of the program, such as inspections, drydocking, equipment and engine replacement and overhaul schedules;

(2) Whether thickness gaging of hull and oil tank plating occurs, and if so, the scope and frequency of the gaging; and

(3) A timeline for the preventive maintenance program.

NEW SECTION

WAC 317-20-220 Spill prevention technology. (1) Each oil spill prevention plan must contain:

(a) A description of spill prevention technology incorporated into the vessel beyond applicable requirements for certification and classification; and

(b) A list of waivers of state, federal, or international requirements for spill prevention technology and the authority issuing the waiver.

(2) The description of spill prevention technology must at least include:

(a) The manufacturer, builder, or developer of the technology;

(b) The purpose of the technology;

(c) A brief description of the function and, if applicable, installed location of the technology; and

(d) Crew training on the use or implementation of the technology.

(3) Spill prevention technology includes equipment and techniques designed to reduce the likelihood or magnitude of an oil spill. The technology includes, but is not limited to, oil transfer and containment equipment and techniques (including hydrostatic loading), and communication and navigation equipment and techniques. Spill prevention technology does not include oil spill response equipment or techniques.

(4) For tank barges, each plan must also include information requested in subsection (1) of this section that is applicable to a typical vessel supplying propulsion to a tank barge.

NEW SECTION

WAC 317-20-230 Regional marine safety committee plans. (Reserved.)

NEW SECTION

WAC 317-20-240 Documentation. (1) The owner or operator shall include in an appendix to the oil spill prevention plan submitted to the office:

(a) Copies of operation checklists used on the tank vessel covered by the plan;

(b) Copies of certificates of inspection and other authorizing documents issued by the United States Coast Guard in effect at time of submission of the plan;

(c) Copies of tank vessel examination letters, safe manning certificates, and certification by foreign classification societies in effect at time of submission of the plan, if applicable; and

(d) Copies of certificates of financial responsibility issued either by the state of Washington, or issued by another government but which meet the financial responsibility requirements of chapter 88.40 RCW.

(2) For tank barges, the owner or operator shall also include:

(a) Copies of operations checklists used on a typical vessel supplying propulsion to a tank barge; and

(b) A list of any certification or other authorizing documentation required by the tank barge owner or operator for a typical vessel supplying propulsion to the tank barge.

(3) Fourteen days after receipt of a written notice from the office, the owner or operator shall make available to the office at a place within the state of Washington copies of documents carried aboard the vessel and other documents that tend to confirm or clarify information presented in the plan.

(4) The office may allow for good cause a reasonable extension of time so that the owner or operator may identify and collect the documents requested. However, the office may request documents on board a vessel with less than seven days notice if necessary to do so during the vessel's stay in port.

NEW SECTION

WAC 317-20-900 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WSR 93-07-007**PERMANENT RULES****DEPARTMENT OF HEALTH**

(Council on Hearing Aids)

[Order 342B—Filed March 5, 1993, 10:35 a.m.]

Date of Adoption: January 28, 1993.

Purpose: To establish continuing education requirements of 10 hours as a condition of renewal of fitter/dispenser license.

Statutory Authority for Adoption: RCW 18.35.161(3).

Pursuant to notice filed as WSR 92-24-030 on November 24, 1992.

Effective Date of Rule: Thirty-one days after filing.

January 28, 1993

Janyce K. Mose

Chair

NEW SECTION

WAC 246-828-500 Citation and purpose. The purpose of these rules is to require licensed hearing aid fitters and dispensers to continue their professional education as a condition of maintaining a license to practice the fitting and dispensing of hearing aids in this state.

NEW SECTION

WAC 246-828-510 Basic requirement—Amount. In the one-year period immediately preceding the annual renewal of the license to practice the fitting and dispensing of hearing aids, the applicant shall complete or accumulate ten hours of acceptable continuing education.

(1) Measurement is in full academic hours only (a fifty-minute period equals one hour). A one-day course shall constitute eight hours of credit.

(2) Credit shall be granted only for class hours and not preparation hours.

(3) Acceptable courses taken after January 1, 1993, may be included in the first computation of continuing education hours necessary for renewal.

(4) The same course taken more than once during the renewal period shall be counted only once.

NEW SECTION

WAC 246-828-520 Effective date of requirement.

(1) The effective date of the continuing education requirement shall be one year after the 1993 renewal date. Therefore, the required number of hours must first be met by the July 1, 1994, license renewal date.

(2) With respect to any individual, the regulation shall become effective on the 1994 renewal or one year after initial licensure in this state, whichever is later.

NEW SECTION

WAC 246-828-530 Exceptions. The following is an exception from the continuing education requirements. Upon a showing of good cause by a licensee to the secretary, the secretary, with advice from the council, may exempt such licensee from any, all, or part of the continuing education requirement. Good cause includes, but is not limited to, severe illness.

NEW SECTION

WAC 246-828-540 Qualification of program for continuing education credit. (1) Generally, formal completion of a program of learning which contributes directly to the professional competence of an individual to practice the fitting and dispensing of hearing aids after he/she has been licensed to do so shall qualify an individual to receive credit for continuing education.

January 28, 1993
Janyce K. Mose
Chair

(2) Specifically, of the total ten hours of required education, a maximum of two hours may be in the area of practice management. Practice management includes, but is not limited to, marketing, computer recordkeeping, and personnel issues.

NEW SECTION

WAC 246-828-550 Programs approved by the council on hearing aids. Completion of the following are deemed to qualify an individual for continuing education credit:

(1) Attendance at a continuing education program having a featured speaker(s) or panel which has been approved by an industry-recognized local, state, national, or international organization.

(2) Participation as a speaker or panel member in a continuing education program which has been approved by an industry-recognized local, state, national, or international organization. A maximum of two hours of such participation may be applied towards the total ten hours required.

(3) Completion as a student, of a written, video, or audio continuing education program which has been approved by an industry-recognized local, state, national, or international organization. Only such programs which have accompanying required tests of comprehension upon completion and are independently graded shall be accepted.

NEW SECTION

WAC 246-828-560 Certification of compliance. (1) In conjunction with the application for renewal of licensure at the end of each one-year period as provided for in WAC 246-828-520, each licensee shall submit an affidavit of compliance on a form supplied by the secretary indicating the ten hours of continuing education completed by the licensee in the previous twelve months.

(2) The secretary, with recommendations of the council, reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the continuing education requirement. It is, therefore, the responsibility of each licensee to maintain records, certificates, or other evidence of compliance with the continuing education requirements.

WSR 93-07-008
PERMANENT RULES
DEPARTMENT OF HEALTH
(Council on Hearing Aids)

[Order 341B—Filed March 5, 1993, 10:37 a.m.]

Date of Adoption: January 28, 1993.

Purpose: To allow experienced persons, licensed in good standing from other states, to be able to work in Washington state prior to taking examination for licensure.

Statutory Authority for Adoption: RCW 18.35.161(3).

Pursuant to notice filed as WSR 92-24-029 on November 24, 1992.

Effective Date of Rule: Thirty-one days after filing.

NEW SECTION

WAC 246-828-400 Temporary practice permits— Scope and purpose. The temporary practice permit is established to enable safe, qualified, and trained hearing aid fitter dispensers who are currently licensed in another state as defined in WAC 246-828-410 to work in the state of Washington prior to completing the examinations administered by the hearing aid council. All licensing requirements established for obtaining a fitter dispenser license will need to be completed as part of the application for a temporary practice permit.

NEW SECTION

WAC 246-828-410 Definitions. For the purpose of issuing temporary practice permits the following definitions shall apply:

(1) "Licensed in another state" means the applicant holds a current valid license, registration, or certification to practice the fitting and dispensing of hearing aids in another state and is in good standing.

(2) "Substantially equivalent" means the applicant has successfully completed an examination administered by or authorized by a state other than Washington state. The examination shall measure basic knowledge of the fitting and dispensing of hearing aids and comply with the requirements as listed in RCW 18.35.070 and WAC 246-828-020, as determined by the council.

NEW SECTION

WAC 246-828-420 Issuance of temporary practice permits. The department shall issue a temporary practice permit unless there is a basis for denial of the license or issuance of a conditional license. In addition to general application requirements, a person applying for a temporary practice permit shall submit to the department as a condition of temporary permit issuance:

(1) A completed application requesting a temporary practice permit on a form provided by the department;

(2) Examination fee and temporary practice permit fee, as specified in WAC 246-828-990;

(3) Cause written verification to be sent to the licensing office from all states in which the applicant is or has been licensed. The verification will be completed by the state and will verify the applicant is in good standing and not subject to charges or disciplinary action for unprofessional conduct or impairment and has been practicing for six months or longer; and

(4) An affidavit attesting that the temporary permit applicant has read, understands, and will abide by the Washington state laws regarding the dispensing and fitting or hearing aids on forms provided by the department.

PERMANENT

NEW SECTION

WAC 246-828-430 Duration of temporary practice permits. The temporary permit shall be issued only once to any applicant. The temporary practice permit is nonrenewable and shall expire upon any one of the following conditions whichever comes first:

- (1) The release of the results of the next scheduled examination for which the applicant would be eligible;
- (2) Issuance of a license by the department; or
- (3) Nine months.

WSR 93-07-009

**PERMANENT RULES
DEPARTMENT OF HEALTH
(Council on Hearing Aids)**

[Order 339B—Filed March 5, 1993, 10:40 a.m.]

Date of Adoption: January 28, 1993.

Purpose: Clarification of when a fitting/dispensing license is needed.

Statutory Authority for Adoption: RCW 18.35.161(1). Pursuant to notice filed as WSR 92-24-031 on November 24, 1992.

Effective Date of Rule: Thirty-one days after filing.
January 28, 1993
Janyce K. Mose
Chair

NEW SECTION

WAC 246-828-005 Fitting and dispensing activities requiring license defined. Fitting and dispensing activities requiring licensing include the following:

- (1) The sale, lease, or rental or attempted sale, lease, or rental of a hearing aid; and
- (2) The selection or adaptation of a hearing aid in connection with the sale, lease, or rental of a hearing aid; and
- (3) The taking of an ear mold impression to be used in connection with the sale, lease, or rental of a hearing aid except when taking an ear mold impression for the purpose of replacing a current ear mold with one of the same type.

Activities exempt from the provisions of chapter 18.35 RCW: The sale, lease, or rental of assistive listening devices which are described as personal or group listening systems, telephone listening devices, or altering devices are exempt from provisions of chapter 18.35 RCW. Assistive listening devices are designed to solve specific listening problems and are generally worn on a temporary basis. Hearing aids are designed for a wide range of listening situations and are generally worn on a full time basis.

WSR 93-07-010

**PERMANENT RULES
DEPARTMENT OF HEALTH
(Council on Hearing Aids)**

[Order 340B—Filed March 5, 1993, 10:40 a.m.]

Date of Adoption: January 28, 1993.

Purpose: To provide a clearer and a more fair standard definition for hearing aid businesses required to hold a bond. Citation of Existing Rules Affected by this Order: Amending WAC 246-828-340.

Statutory Authority for Adoption: RCW 18.35.161(1). Pursuant to notice filed as WSR 92-24-032 on November 24, 1992.

Effective Date of Rule: Thirty-one days after filing.
January 28, 1993
Janyce K. Mose
Chair

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-340 Surety bonding—Security in lieu of bonding. Every establishment shall file a bond or security in lieu of a bond as required by RCW 18.35.240. An establishment means any facility engaged in the fitting and dispensing of hearing aids. ~~((For bonding purposes, a facility means any established place at a permanent address, open to the public on a regular basis, adapted primarily for housing and operating equipment which a fitter/dispenser uses to perform tests and procedures for selection and adaptation of hearing aids, and attended by a licensed fitter/dispenser. Activities emanating from a bonded establishment which project fitting and dispensing services from the establishment to temporary locations for the convenience of the public shall be regarded as functions of that establishment and need not be bonded separately. Examples of such activities include mobile fitting and dispensing units, home visitations, community center visitations, and itinerant services provided at public places of commerce or accommodation.))~~

In addition to the primary establishment, a branch facility requires separate bonding if that facility is open to the public at a permanent location for twenty or more hours a week or one thousand hours a year. Fitter-dispensers who rent or lease office space in a facility whose primary function is other than the fitting and dispensing of hearing aids do not require separate bonding for that facility unless the fitter-dispenser or his/her representative is present at that location twenty or more hours a week.

WSR 93-07-011

**PERMANENT RULES
DEPARTMENT OF HEALTH
[Order 338—Filed March 5, 1993, 10:52 a.m.]**

Date of Adoption: February 26, 1993.

Purpose: Update current hospital construction regulations and adopted code references.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-318-799; and amending WAC 246-318-010, 246-318-500 through 246-318-870, and 246-318-99902.

Statutory Authority for Adoption: RCW 70.41.030. Pursuant to notice filed as WSR 93-01-149 on December 23, 1992.

Changes Other than Editing from Proposed to Adopted Version: Deleted the term "outpatient" and added oxygen

and vacuum requirements for dialysis and treatment rooms in WAC 246-318-540 (Table 540-2).

Effective Date of Rule: Thirty-one days after filing.

February 26, 1993

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-318-010 Definitions. For the purposes of this chapter and chapter 70.41 RCW, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Adolescent" means an individual during that period of life beginning with the appearance of secondary sex characteristics and ending with the cessation of somatic growth.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 246-318-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and discipline; or

(b) A unique identifier allowing identification of the responsible individual.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" or "labor, delivery, recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped to provide care of a woman, fetus, and newborn and to accommodate her support persons during the complete process of vaginal childbirth.

(10) "Children" means young persons of either sex between infancy and adolescence.

(11) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

(12) "Critical care" means a special physical and functional nursing unit for the segregation, concentration, and close or continuous observation and care of patients critically, acutely, or seriously ill and in need of intensive, highly skilled services.

(13) "Department" means the Washington state department of health.

(14) "Dentist" means an individual licensed under chapter 18.32 RCW.

(15) "Diagnostic radiologic technician" means an individual:

(a) Certified or eligible for certification as a diagnostic radiologic technologist under chapter 18.84 RCW; or

(b) Trained by a radiologist and approved by a radiologist member of medical staff to perform specified diagnostic radiologic procedures.

(16) "Dialysis facility" means a separate physical and functional nursing unit of the hospital serving patients receiving renal dialysis.

(17) "Dialysis station" means an area designed, equipped, and staffed to provide dialysis services for one patient.

(18) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in *Directory of Dietetic Programs Accredited and Approved*, American Dietetic Association, edition 100, 1980.

(19) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer prior to administration of the agent.

(20) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails:

(a) Removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container);

(b) Reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders;

(c) Giving the individual dose to the proper patient; and

(d) Properly recording the time and dose given.

(21) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and,

pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(22) "Easily cleanable" means of material or finish and so fabricated to allow complete removal of residue by normal cleaning methods.

(23) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(24) "Facilities" means a room or area and equipment serving a specific function.

(25) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not exceeding four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

(26) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(27) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~(28) ("Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.~~

~~((29))~~ "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

~~((30))~~ (29) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

~~((31))~~ (30) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) Maternity homes, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from

mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((32))~~ (31) "Infant" means a baby or very young child up to one year of age.

~~((33))~~ (32) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

~~((34))~~ (33) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring or may require physical support and treatment beyond support required for a normal neonate and may include the following:

(a) Electronic cardiorespiratory monitoring;

(b) Gavage feedings;

(c) Parenteral therapy for administration of drugs; and

(d) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours for stabilization when trained staff are available.

~~((35))~~ (34) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) is approved by the Food and Drug Administration.

~~((36))~~ (35) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

~~((37))~~ (36) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

~~((38))~~ (37) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

~~((39))~~ (38) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

~~((40))~~ (39) "May" means permissive or discretionary on the part of the board or the department.

~~((41))~~ (40) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

~~((42))~~ (41) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

~~((43))~~ (42) "Neglect" means mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission

which may result in emotional or behavioral problems, physical manifestations, and disordered development.

~~((44))~~ (43) "Nuclear medicine technologist" means an individual certified or eligible for certification as a nuclear medicine technologist under chapter 18.84 RCW.

~~((45))~~ (44) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

~~((46))~~ (45) "Neonatal intensive care nursery" means an area designed, organized, equipped, and staffed to provide constant nursing and medical care and treatment for high-risk infants who may require:

(a) Continuous ventilatory support, twenty-four hours per day;

(b) Intravenous fluids or parenteral nutrition;

(c) Preoperative and postoperative monitoring when anesthetic other than local is administered; or

(d) Cardiopulmonary or other life support on a continuing basis.

~~((47))~~ (46) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in *Directory of Residency Training Programs by the Accreditation Council for Graduate Medical Education*, American Medical Association, 1981-1982 or the *American Osteopathic Association Yearbook and Directory*, 1981-1982.

~~((48))~~ (47) "Newborn care" means provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

~~((49))~~ (48) "New construction" means any of the following:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversion of existing buildings or portions thereof for use as hospitals;

(d) Alterations.

~~((50))~~ (49) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

~~((51))~~ (50) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

~~((52))~~ (51) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

~~((53))~~ (52) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

~~((54))~~ (53) "Occupational therapist" means an individual licensed under the provisions of chapter 18.59 RCW.

(54) "Operating room" means a room within the sterile surgical department intended for invasive and noninvasive procedures requiring anesthesia.

(55) "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

~~((56))~~ (56) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. ~~("Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.~~

~~((57))~~ (57) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

~~((57))~~ (58) "Pediatrician" means a physician:

(a) Having successfully completed a residency program approved by the American Board of Pediatrics as described in the *Directory of Residence Training Programs Accredited by the Accreditation Council for Graduate Medical Education*, American Medical Association, 1981-1982; or

(b) Approved by the American Osteopathic Board of Pediatrics as described in the *American Osteopathic Association Yearbook and Directory*, 1981-1982; and

(c) Board certified or board eligible for period not to exceed three years.

~~((58))~~ (59) "Pediatric service" means any diagnostic, treatment, or care service provided for infants, children, or adolescents.

~~((59))~~ (60) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((60))~~ (61) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

~~((61))~~ (62) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

~~((62))~~ (63) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

~~((63))~~ (64) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

~~((64))~~ (65) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((65))~~ (66) "Physician's assistant" means an individual who is not a physician but practices medicine under provisions, rules, and regulations of chapter 18.71A RCW, or provisions, rules, and regulations under chapter 18.57A RCW.

~~((66))~~ (67) "Physician member of medical staff qualified in nuclear medicine" means a physician with staff privileges who is:

(a) Certified or eligible for certification by the American Board of Radiology (ABR) or the American Board of

Nuclear Medicine (ABNM) in radiologic physics including diagnostic, therapeutic, and medical nuclear physics; and

(b) Included in the 1987-1989 list of board-certified physicians maintained by ACR Professional Bureau, 1899 Preston White Drive, Reston, VA 22091.

~~((67))~~ (68) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

~~((68))~~ (69) "Procedure" means an activity to relieve pain, diagnose, cure, improve, or treat a patient's condition usually requiring specialized equipment.

(70) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

~~((69))~~ (71) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in this section.

~~((70))~~ (72) "Psychiatrist" means a physician having successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the *Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education*, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in the *American Osteopathic Association Yearbook and Directory*, 1981-1982.

~~((71))~~ (73) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

~~((72))~~ (74) "Radiation oncologist" means a physician who successfully completed an approved residency program in therapeutic radiology and is either board certified or eligible for board certification in radiation oncology by:

(a) The American Board of Radiology described under *Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education*, American Medical Association, 1981-82, with:

(i) Certification in use of both external and brachytherapy techniques; and

(ii) Continuing education requirements of the board met; or

(b) The American Osteopathic Board of Radiology described in the *American Osteopathic Association Yearbook and Directory*, 1981-82 with:

(i) Certification in use of both external and brachytherapy techniques; and

(ii) Continuing education requirements of the board met.

~~((73))~~ (75) "Radiologist" means a physician who is board certified or eligible for certification in radiology and meeting continuing education requirements of:

(a) The American Board of Radiology described under *Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education*, American Medical Association, 1981-82; or

(b) The American Osteopathic Board of Radiology described under *American Osteopathic Association Yearbook and Directory*, 1981-82.

~~((74))~~ (76) "Recreational therapist" means an individual with a bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

~~((75))~~ (77) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

~~((76))~~ (78) "Referred outpatient diagnostic service" means a service provided to an individual receiving medical diagnosis, treatment, and other health care services from one or more sources outside the hospital limited to diagnostic tests and examinations:

(a) Not involving administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and

(b) Ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

~~((77))~~ (79) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

~~((78))~~ (80) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

~~((79))~~ (81) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

~~((80))~~ (82) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

~~((81))~~ (83) "Safety device" means a device used to safeguard a patient who, because of developmental level or condition, is particularly subject to accidental self-injury.

~~((82))~~ (84) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

~~((83))~~ (85) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant.

~~((84))~~ (86) "Self-administration of drugs" means a patient administering or taking his or her own drugs from

properly labeled containers: *Provided*, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

~~((85))~~ (87) "Sensitive area" means a room used for surgery, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, or critical care including, but not limited to, intensive and cardiac care.

~~((86))~~ (88) "Shall" means compliance is mandatory.

~~((87))~~ (89) "Should" means a suggestion or recommendation, but not a requirement.

~~((88))~~ (90) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

~~((89))~~ (d) "Handwash sink" means a plumbing fixture of adequate size and proper design for washing hands, equipped with soap dispenser and single service hand drying device.

(91) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

~~((90))~~ (92) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection or cleaning of used or contaminated supplies and equipment or collection or disposal of wastes.

~~((91))~~ (93) "Special procedure" means a distinct and/or special diagnostic exam or treatment, such as, but not limited to, endoscopy, angiography, and cardiac catheterization.

(94) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

~~((92))~~ (95) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of a local or general anesthesia.

~~((93))~~ (96) "Therapeutic radiologic technologist" means an individual certified or eligible for certification as a therapeutic radiologic technologist under chapter 18.84 RCW.

~~((94))~~ (97) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

~~((95))~~ (98) "Toilet" means a room containing at least one water closet.

~~((96))~~ (99) "Treatment" means the care and management of a patient to combat, improve, or prevent a disease, disorder, or injury, and may be:

(a) Pharmacologic, surgical, or supportive;

(b) Specific for a disorder; or

(c) Symptomatic to relieve symptoms without effecting a cure.

(100) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

~~((97))~~ (101) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

~~((98))~~ (102) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-500 Applicability of ~~((these regulations governing hospital construction))~~ WAC 246-318-500 through 246-318-99902.

(1) These regulations apply to new construction of hospitals ~~((covered by))~~ as defined in RCW 70.41.020 ~~((section 2, chapter 267, Laws of 1955)).~~ ~~New construction shall include any of the following started after promulgation of these regulations)~~ including:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversions of existing buildings or portions thereof for use as hospitals;

(d) Alterations other than minor alterations to existing hospitals.

(2) These regulations ~~((cover the))~~ apply to facilities generally required within a hospital, with the following provisions~~(-):~~:

(a) ~~((Omission of required facilities for some services may be permitted provided))~~ The department may not require facilities for certain services when the hospital has a definite arrangement ~~((has been made))~~ for adequate services from suitably located facilities outside the hospital.

(b) ~~((Hospitals restricting services to))~~ The department may approve the omission of facilities for certain services that will not be provided in accordance with legally allowable and customarily recognized limitations ~~((may be permitted to omit required facilities for the services not to be provided)).~~

(c) A hospital providing facilities ~~((provided,))~~ not specifically required by these regulations~~((,- must be))~~ shall

assure that facilities are adequate for the services to be performed and ((must)) meet the objectives of these regulations.

((Note:

[†]See WAC 248-18-001 for definition of "hospital.")

(3) Compliance with the regulations in this chapter does not constitute release from the requirements of applicable state and local codes and ordinances. Where regulations in this chapter exceed other codes and ordinances, the regulations in this chapter shall apply.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-510 Programs, drawings and construction. (1) ~~((Professional design services-))~~ Drawings and specifications for new construction shall be prepared by, or under the direction of, an architect registered ~~((in the state of Washington, and shall include plans and specifications prepared by))~~ under chapter 18.08 RCW. The services of a consulting ((professional) engineer(s) registered under chapter 18.43 RCW shall be used for the various branches of the work where appropriate((-except)). The services of a registered professional engineer may be used in lieu of the services of an architect if work involves engineering only. ~~((If the work involved is believed to be not extensive enough to require professional design services, a written description of the proposed construction should be submitted to the department for a determination of the applicability of this regulation-))~~ A hospital may request an exception to the requirements of this subsection by submitting to the department a written description of the proposed construction and justification for not using the services of an architect and/or engineer.

(2) ~~((Submission for review-))~~ A hospital shall submit the program and drawings for new construction ((shall be submitted in the following stages)) to the department for review as specified in this subsection and the "Submissions Guide for Health and Residential Facility Construction Projects" available from the department. Identify each room, area and item of fixed equipment and major movable equipment ((shall be identified)) on all drawings to demonstrate that the required facilities for each function have been provided.

(a) A written program containing, at a minimum((-)); (i) Information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations((-)); and (ii) if the project involves an addition or alteration which materially increases the bed capacity of the hospital, ((the program shall contain)) a thorough appraisal of all existing supporting services to determine their adequacy for the increased number of patients.

(b) Preliminary drawings of the new construction including major equipment. For alterations and additions, include a functional layout of the existing building ((must be included. The hospital should be designed so that it may be expanded to provide for anticipated future needs. The future additions and their proposed functions should be designated on the preliminary plans)).

(c) Detailed working drawings and specifications including mechanical and electrical work.

(d) If carpets are to be used~~((, the following information is to be submitted for review))~~:

(i) A floor plan showing areas to be carpeted and adjoining areas. These areas shall be labeled, according to function, and meet the requirements in WAC 246-318-540 (6)(b). Proposed carpeted areas shall be coded on the plan and keyed to the appropriate carpet ((sample-)); and

(ii) ~~((One 3" x 5" sample of each carpet type, labeled to identify the following:~~

~~(A) Manufacturer; and~~

~~(B) Specific company designation (trade name and number);~~

~~(iii) Information))~~ Specifications and radiant panel and smoke density test reports showing that proposed carpeting meets the specifications as listed in ((WAC 248-18-719(5))) 246-318-540(6).

~~((iv) Carpets may be used in the following nonpatient occupied areas: administrative areas, lobbies, lounges, chapels, waiting areas, nurses' station, dining rooms, corridors, equipment alcoves opening onto carpeted corridors. Carpets are not permitted in any areas of the surgery or delivery suites. Carpets may be used in other areas only upon written approval of such use by the department.~~

~~(v) Carpets may be used in the following patient occupied areas: Patient rooms (excluding toilets, bathrooms, and designated isolation rooms), coronary care units, recovery rooms (not within surgical suites), labor rooms (not within delivery suites), corridors within patient occupied areas, dayrooms, equipment alcoves opening onto carpeted corridors. Carpets may be used in other areas only upon written approval of such use by the department-))~~

(3) ~~((Construction-))~~ A hospital shall:

(a) Commence construction, of other than minor alterations((-, shall not be commenced until)) only after the final drawings and specifications have been stamped "construction authorized" by the department. Such authorization by the department does not constitute release from the requirements contained in these regulations.

(b) ~~((Compliance with these regulations does not constitute release from the requirements of applicable state and local codes and ordinances. These regulations must be followed where they exceed other codes and ordinances.~~

~~(e) Notification shall be given-))~~ Notify the department when construction is commenced and completed.

(c) Provide for the safety and comfort of patients if construction takes place in or near occupied areas((-, adequate provision shall be made for the safety and comfort of patients)).

(d) Assure construction ((shall be)) is completed in compliance with the final "construction authorized" drawings and specifications.

(e) Submit to the department for review any addenda or modifications which might affect the fire safety or functional operation ((shall be submitted for review by the department)).

(4) ~~((Department's reports on reviews or on site construction inspections-))~~ The department shall identify the sections and items of chapter ~~((248-18))~~ 246-318 WAC under which a requirement is stated or a deficiency noted in any written review report ((on a review)) of a functional

program, drawings or specifications and in any ~~(report on an)~~ on-site inspection report of a construction project.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-520 Design and construction standards, general. (1) ~~((Exemptions, substitutions, and interpretations-))~~ A hospital may request an exemption, substitution, or interpretation as described in WAC ~~((248-18-010))~~ 246-318-015.

(2) ~~((Industry standards, guides, and codes adopted by reference-~~

~~(a)))~~ At least once every two years, the department shall:

~~((i))~~ (a) Review industry standards referenced in the construction section of chapter ~~((248-18))~~ 246-318 WAC and update, as necessary; and

~~((ii))~~ (b) Adopt the revised list of referenced standards, if required.

~~((b))~~ (3) Hospitals shall:

~~((i) Submit preliminary drawings))~~ (a) Prepare preliminary documents for hospital construction projects conforming to industry standards, guides, and codes appearing in the current chapter ~~((248-18))~~ 246-318 WAC;

~~((ii))~~ (b) Follow ~~((applicable standards, guides, and codes))~~ the requirements of chapter ~~((248-18))~~ 246-318 WAC ~~((existing))~~ effective at the time the preliminary document was submitted for the duration of construction project; ~~((except as specified in subsection (2)(c) of this section-~~

~~(e) The department may respond to a hospital's written))~~

(4) A hospital may request ~~((by giving written))~~ in writing, department approval to use a more recent edition of an industry standard, guide, or code. The department may approve such request under the following conditions:

~~((i))~~ (a) The standard, guide, or code was adopted after preliminary drawings were developed; and

~~((ii))~~ (b) The request is received by the department prior to the department's final approval of project design and authorization for construction per WAC ~~((248-18-510))~~ 246-318-510 (3)(a).

~~((3) Hospitals and the department shall interpret construction WAC as follows:~~

(a) Rules concerning the size, location, function, and major equipment of rooms and areas are generally found under headings for particular departments or facilities;

(b) Some service facilities common to several departments or units are grouped under "general requirements for service facilities;" WAC 248-18-711;

(c) Mechanical and electrical requirements and detailed architectural requirements are included in "GENERAL DESIGN REQUIREMENTS;" WAC 248-18-719;

(d) Equipment specified in rule includes only equipment frequently built in or attached to the building;

(e) WAC section titles describe the category of facilities, requirements, or information to which the contents of that section relates; and

(f) Except for sections adopted after July 1, 1989, in "NEW CONSTRUCTION REGULATIONS;" WAC 248-18-500 through 248-18-719 and WAC 248-18-99902:

(i) Capital letters designate a requirement or all requirements;

(ii) Lower case letters designate options, suggestions, recommendations, or explanations;

(iii) Hospitals including any equipment, area, room, unit, service, or other facility designated in lower case letters (suggested or optional) shall comply with applicable standards in chapter 248-18 WAC;

(iv) If a WAC title denotes a unit, service, department, or other category of facilities required only under certain circumstances:

(A) The circumstances are stated following the title; and

(B) If included, constructed according to applicable rules and standards in chapter 248-18 WAC.

(v) The words "Optional. SHALL MEET REQUIREMENTS, IF INCLUDED;" following a WAC title indicate:

(A) The particular unit, service, department, or other category of facilities is only recommended and not mandatory; and

(B) If included, constructed according to applicable rules and standards in chapter 248-18 WAC.)

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-530 Site and site development. ~~((REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.))~~

~~(1) LOCATION.^{2,3}~~

~~(a) SERVED BY AT LEAST ONE STREET, USABLE UNDER ALL WEATHER CONDITIONS.~~

~~(b) REMOTE FROM INSECT BREEDING AREAS AND FREE FROM OBJECTIONABLE NOISE, SMOKE, DUST, AND ODORS.~~

~~(c) SERVED BY ADEQUATE UTILITIES.³~~

~~(d) ON HIGH GROUND PROVIDING NATURAL DRAINAGE OR SERVED BY ADEQUATE STORM SEWERS.~~

~~(e) SERVED BY ADEQUATE ORGANIZED FIRE FIGHTING AND POLICE SERVICES.~~

Sufficiently close to center of community served.

~~(2) SIZE.~~

~~(a) ADEQUATE FOR HOSPITAL PLANNED AND NECESSARY SERVICE ROADS AND PARKING.~~

~~(b) SUFFICIENT TO PROVIDE PRIVACY FOR PATIENTS and attractive grounds.~~

Sufficient for one hundred percent expansion in building area.

Four acres for twenty-five beds, six acres for fifty beds, nine acres for one hundred beds, sixteen acres for two hundred beds are recommended.

~~(c) SUFFICIENT FOR PRIVATE SEWAGE DISPOSAL IF THERE IS NO PUBLIC SEWER SYSTEM.~~

~~(3) PARKING AREA.~~

~~(a) LOCATED FOR CONVENIENCE AND TO AVOID UNDUE DISTURBANCE TO PATIENTS.~~

~~(b) ADEQUATE NUMBER OF PARKING SPACES.~~

One parking space per bed plus one space per employee for the day shift recommended.

~~(c) ADEQUATE DRAINAGE.~~

~~(d) SURFACE TREATED TO MINIMIZE DUST.~~

Illuminated at night.

~~(4) DRIVES AND WALKS.~~~~(a) ADEQUATE FOR MOVEMENT OF PATIENTS, VISITORS, STAFF AND SERVICE VEHICLES.~~~~(b) CONSTRUCTED FOR USE UNDER ALL WEATHER CONDITIONS.~~~~(c) LOCATED TO PREVENT CONFLICTING TRAFFIC.~~~~(d) LOCATED FOR A MINIMUM OF DISTURBANCE TO PATIENTS.~~~~(e) SURFACE TREATED TO MINIMIZE DUST.~~~~Illuminated at night.~~~~(5) ENTRANCES.~~~~(a) LOCATED FOR A MINIMUM OF DISTURBANCE TO PATIENTS.~~~~(b) ENTRANCES REQUIRED FOR MOVEMENT OF PATIENTS IN WHEELCHAIRS OR ON STRETCHERS TO BE DESIGNED WITHOUT STAIRS. RAMPS PERMISSIBLE WITH SLOPE NOT EXCEEDING ONE IN TEN. A slope not exceeding one in twenty recommended. AT LEAST ONE ENTRANCE TO THE HOSPITAL TO BE SO DESIGNED.~~~~(i) PATIENTS' AND VISITORS' ENTRANCE.~~~~ADJACENT TO LOBBY.~~~~(ii) Emergency patients' entrance.~~~~REQUIRED IF HOSPITAL HAS AN EMERGENCY DEPARTMENT.~~~~LOCATED FOR READY ACCESS TO EMERGENCY DEPARTMENT.~~~~AT GRADE LEVEL AND READILY ACCESSIBLE TO PEDESTRIAN, AMBULANCE, AND OTHER VEHICULAR TRAFFIC.~~~~AMBULANCE PORT SIZED TO ACCOMMODATE AT LEAST ONE VEHICLE TWENTY TWO FEET LONG, ONE HUNDRED THIRTY INCHES HIGH AND EIGHT FEET WIDE. AMBULANCE PORT TO BE DESIGNED TO PROTECT AN EMERGENCY PATIENT AND THE INTERIOR OF THE EMERGENCY DEPARTMENT FROM WEATHER WHEN A PATIENT IS BROUGHT FROM AN AMBULANCE OR OTHER VEHICLE INTO THE EMERGENCY DEPARTMENT.~~~~Designed to permit attendants to stand on same level as entrance when removing a stretcher from ambulance.~~~~RAMPS TO BRIDGE ANY DIFFERENCE IN LEVELS OF APPROACH FOR PEDESTRIAN TRAFFIC.~~~~(iii) OUTPATIENT ENTRANCE.~~~~May be combined with entrances for patients and visitors or emergency patients.~~~~LOCATED NEAR OUTPATIENT FACILITIES AND FOR ACCESSIBILITY BY WHEELCHAIR PATIENTS.~~~~(iv) SERVICE ENTRANCE.~~~~CLOSE TO STORAGE, ELEVATORS, AND KITCHEN.~~~~(v) EXIT FOR REMOVAL OF BODIES.~~~~May be combined with emergency patients' entrance and/or service entrance.~~~~LOCATED WHERE BODIES CAN BE REMOVED IN AN UNOBTRUSIVE MANNER.~~~~(vi) Employees' entrance.~~~~Convenient to locker rooms and for control of ingress and egress.~~~~(vii) Doctors' entrance.~~~~Convenient to locker room, records room, and switchboard.~~~~(6) ORIENTATION OF PATIENT ROOMS.⁴~~~~(a) ON QUIET SIDE OF SITE.~~~~(b) LOCATED FOR PRIVACY FOR PATIENTS.~~~~(c) PROTECTED FROM THE VIEW OF REMOVAL OF BODIES, AND STORAGE OF RUBBISH.~~~~Oriented for sunlight and prevailing breezes.~~~~Notes:~~~~²See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719(3), PLUMBING AND SEWERAGE.~~~~³Not applicable to alterations and additions to existing hospitals.~~~~⁴See requirements for "windows," WAC 248-18-719(1) and see WAC 248-18-001 for definition of "grade.") Hospitals planning site and site development for construction of a new facility shall:~~~~(1) Provide a site with:~~~~(a) Road surface useable in all weather and traffic conditions;~~~~(b) Adequate utilities meeting requirements in WAC 246-318-540 (4)(a), (b), and (k);~~~~(c) Natural drainage or properly designed/engineered drainage system; and~~~~(d) Ready access to fire fighting and police services.~~~~(2) Plan for:~~~~(a) Service roads and parking;~~~~(b) Patient privacy and surroundings;~~~~(c) Noise attenuation;~~~~(d) Future expansion; and~~~~(e) On-site sewage disposal area meeting requirements in chapter 246-272 WAC when no public sewer system is available.~~~~(3) Provide parking area, drives, and walkways:~~~~(a) Convenient for patients, staff, and visitors, avoiding interference with patient privacy and comfort;~~~~(b) Adequate number of parking spaces;~~~~(c) Arranged to prevent conflicting traffic;~~~~(d) Graded for adequate drainage and constructed for use under all weather conditions;~~~~(e) Surface treated to minimize dust;~~~~(f) Illuminated at night; and~~~~(g) Meeting accessibility requirements in WAC 51-20-3100.~~~~(4) Plan sufficient space and location for:~~~~(a) Entrances;~~~~(b) Emergency vehicle access;~~~~(c) Loading dock;~~~~(d) Garbage storage and disposal;~~~~(e) Removal of deceased;~~~~(f) Service vehicle access;~~~~(g) Patient entrance located near outpatient facilities meeting accessibility requirements in WAC 51-20-3100; and~~~~(h) Service entrance close to storage and elevators.~~AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)WAC 246-318-540 General design requirements.Hospitals planning new construction shall include the ((following)) general design elements ((for certain rooms or areas required by other sections of this chapter:)) in this section.

(1) A hospital shall ensure the safety of occupants during construction and painting by assuring rooms or areas are well-ventilated, unoccupied, and unavailable for use until free of volatile fumes and odors.

(2) A hospital shall assure architectural components meet Washington state building code requirements in chapter 51-20 WAC, including:

(a) Aisles between fixed elements wide enough to allow unimpeded movement of equipment and personnel within rooms or suites (~~(meeting requirements under WAC 248-18-99902(19))~~);

(b) Ceiling heights meeting requirements in Table ((719-1, ~~Minimum Clear Opening for Doors and Nominal Ceiling Heights~~)) 540-1;

(c) A corridor system (~~(established)~~) throughout the hospital designed for traffic circulation providing patient privacy and preventing through traffic in examination, observation, treatment, and diagnostic areas, with (~~(width)~~):

(i) Width of eight feet and restrictions of no more than seven inches for nonambulatory patient areas;

(ii) Minimum existing width of seven feet (~~(minimum)~~) permitted in alteration projects; and

(iii) (~~(Meeting requirements under WAC 248-18-99902(19) and (20) in all other areas with:~~

~~(A))~~ Five feet width for corridors (~~(permitted when)~~) serving ambulatory patient traffic within a single department; and

~~((B))~~ (iv) Minimum four feet (~~(minimum)~~) width permitted for nonpatient areas and departments when there is a five-by-five foot turnaround at least every seventy-five feet.

(d) Handrails on both sides of corridors used by patients on orthopedic units, rehabilitation nursing units, nursing home units, and other long-term nursing units with dimensions as follows:

(i) The top of the handrail thirty-two to thirty-four inches above the floor;

(ii) (~~(Projecting)~~) A maximum projection of three and one-half inches from wall; and

(iii) The end of handrail returning to the wall.

(e) Doors:

(i) With widths meeting requirements (~~(under WAC 248-18-99902(20) and Table 719-1, Minimum Clear Opening for Doors and Nominal Ceiling Heights)~~) in Table 540-1;

(ii) Designed to prevent swinging into established corridor widths, except (~~(those from)~~) for handicapped accessible toilets and small unoccupied spaces, such as small closets;

(iii) (~~(In patient rooms)~~) Designed to swing to a full, open position in patient rooms;

(iv) With provision for staff to gain immediate emergency access to patient (~~(toilets, showers, and bathrooms)~~) occupied rooms; and

(v) With vision panels (~~(required)~~) in all pairs of opposite swinging doors.

(f) At least one elevator in multi-story hospital designed for patient transport with minimum dimensions of:

(i) Five feet four inches inside width;

(ii) Eight feet six inches inside length; and

(iii) Four feet wide door openings.

(g) Stairways and ramps with(~~(=~~

~~(+))~~ skid-resistant surfaces(~~(=)~~),

~~((+))~~ handrails, guardrails, and other safety devices (~~(on all stair wells and ramps meeting requirements under WAC 248-18-99902(19) and (20))~~);

~~((iii))~~ Slope of ramps used for patients not to exceed one unit of vertical rise for every twelve units of horizontal run; and

~~(iv)~~ Slope of all other ramps meeting requirements under WAC 248-18-99902(20).))

(h) Design and construction to control entrance and infestation by pests, such as mammals, birds, and insects;

(i) Windows in twenty-four-hour stay patient rooms, except in (~~(labor rooms and)~~) nurseries, with:

(i) A clear glass area of at least one-tenth of the floor space (~~(or meeting requirements under WAC 248-18-99902(20))~~);

(ii) Location in the outside walls and:

(A) Twenty feet or more from another building or opposite wall or court;

(B) Ten feet or more from property line except on street side; and

(C) Allowance for a satisfactory amount of unobstructed natural light.

(ii) (~~(Location in interior common walls rather than in outside walls only when meeting requirements in WAC 248-18-99902(20))~~) Relites may be used on interior atrium walls in place of windows on outside walls;

(iv) Sills:

(A) No higher than three feet from the floor;

(B) No higher than four feet from the floor in critical care rooms;

(C) With exterior grade a minimum of six inches below window sill; and

(D) With exterior grade sloping away from building for at least ten feet.

(v) Sixteen mesh screens on all operable windows.

~~((2))~~ (3) A hospital shall provide heating, ventilation, and cooling including:

(a) A heating system with capacity to maintain a temperature of seventy-five degrees Fahrenheit or more in (~~(each room or occupied space)~~) all patient areas;

(b) A cooling system with capacity to cool patient areas to a temperature of seventy-five degrees Fahrenheit or below;

(c) Heating and cooling controls with:

(i) Individual thermostatic control in each patient room; and

(ii) All other areas suitably zoned and thermostatically controlled consistent with WAC (~~(248-18-99902)~~) 246-318-99902(2).

(d) Piping and duct systems which are insulated to control excessive heat transfer and condensation;

(e) Air balancing of distribution systems to maintain air changes and pressure relationships meeting requirements in Table ((719-3, ~~General Pressure Relationships and Ventilation of Certain Hospital Areas, in this section~~)) 540-3;

(f) An air handling duct system(~~(=~~

~~(+))~~ meeting requirements (~~(under WAC 248-18-99902)~~) in WAC 246-318-99902(5)(=) with:

~~((+))~~ (i) Fiberglass ducts, if installed, of nonerosive wearing surfaces (~~(specified under WAC 248-18-99902(9) and (10))~~); and

~~((iii) With)~~ (ii) Fiberglass-lined ducts, if installed, serving sensitive areas with ninety percent efficiency filters installed downstream of the duct lining.

(g) The use of space above ceilings for exhaust and return plenums ~~((restricted to))~~ is only allowed in nonclinical and nonpatient care areas, such as administrative, public waiting, and meeting areas;

(h) Air supply and exhaust locations ~~((meeting requirements (under WAC 248-18-99902 (2) and (8))))~~ in WAC 246-318-99902(2) and chapter 51-22 WAC including:

~~((ii) With)~~ (i) Outdoor intakes located to the extent practical and possible as follows:

(A) Directionally different exposures twenty feet or more from:

(I) Combustion equipment stacks;

(II) Ventilation exhaust outlets from the hospital or adjoining buildings including fume hoods and ethylene oxide systems;

(III) Medical-surgical vacuum systems;

(IV) Plumbing vent stacks; and

(V) Areas that may collect vehicular exhaust and other noxious fumes.

(B) Bottom of intake six feet or more above ground level or three feet or more above roof level specified ~~((under WAC 248-18-99902))~~ in WAC 246-318-99902(2).

~~((iii))~~ (ii) Locate exhaust air discharge (located) to avoid cross circulation to supply air intakes or operable windows.

(i) Filters installed in central ventilation or air conditioning systems ~~((with))~~ as follows:

(i) Filter beds and filter efficiencies meeting requirements ~~((under Table 719-4, Ventilation and Air Conditioning Systems: Filter Efficiencies in Hospitals))~~ in Table 540-4;

(ii) Filter bed No. 2 downstream of the last component of any central air handling unit except:

(A) Steam injection-type humidifier permitted downstream of filter bed No. 2;

(B) Terminal reheat coils permitted downstream of filter bed No. 2; and

(C) Terminal cooling coils permitted downstream of filter bed No. 2 with additional filtration downstream of coil meeting requirements of filter bed No. 2.

(iii) Filter frames tight to the enclosing duct work; and

(iv) A manometer or equivalent installed across each filter bed serving sensitive areas of central air systems.

(j) Fire shutdown located in accordance with WAC ~~((248-18-99902))~~ 246-318-99902 (5) and ((25)) (13).

(k) Exhaust hoods or other approved exhaust devices provided over equipment likely to produce excessive heat, moisture, odors, or contaminants, and properly designed for intended use.

(l) Laboratory hoods for handling infectious materials ~~((meeting requirements under WAC 248-18-99902(7)))~~ with:

(i) A minimum face velocity of seventy-five feet per minute at maximum operating level of sash;

(ii) ~~((Served by))~~ An independent exhaust system with the exhaust fan located at the discharge end of the system;

(iii) Ducts with welded joints or equivalent from the hood to filter enclosure;

(iv) Filters ~~((with))~~ in the exhaust stream rated at 99.97 percent efficiency by the dioctyl-phthalate (DOP) test method ((in the exhaust stream)); and

(v) Features designed and equipped to permit the safe removal of contaminated filters.

(m) Laboratory hood for venting radioactive particulate aerosols with:

(i) A minimum face velocity of one hundred feet per minute at a maximum operating level of sash;

(ii) An independent exhaust system with an exhaust fan at the discharge end of the system;

(iii) Ducts with welded joints or equivalent from the hood to the filter enclosure;

(iv) Exhaust stream filters with 99.97 percent efficiency using the dioctyl-phthalate (DOP) test method;

(v) Features designed and equipped ((for)) to permit the safe removal of contaminated filters; and

(vi) Provisions for washdown.

(n) Laboratory hoods for processing strong oxidizing agents with:

(i) A minimum face velocity of one hundred feet per minute at maximum operating level of sash;

(ii) An independent exhaust system and explosion-proof exhaust fan at the discharge end of the system;

(iii) Ducts of welded stainless steel or equivalent throughout the exhaust system; and

(iv) Hood and exhaust duct system equipped with complete coverage washdown facilities.

(o) Noncentral supply ventilation systems ~~((meeting requirements ((for central systems under Table 719-4, Ventilation and Air Conditioning Systems: Filter Efficiencies in Hospitals)) in Table 540-4; and~~

~~((ii) In other areas with outdoor air for individual rooms and units meeting filtering requirements for central systems under Table 719-4, Ventilation and Air Conditioning Systems: Filter Efficiencies in Hospitals.~~

~~((p) Equipment to provide relative humidity as follows:~~

~~((i) Forty percent minimum to sixty percent maximum at seventy-two degrees Fahrenheit in:~~

~~((A) Operating rooms;~~

~~((B) Delivery rooms;~~

~~((C) Special procedure rooms;~~

~~((D) Anesthetizing locations;~~

~~((E) Critical care patient rooms, such as intensive and coronary care; and~~

~~((F) Recovery rooms.~~

~~((ii) Forty percent minimum to sixty percent maximum at seventy-five degrees Fahrenheit in all nursery facilities.~~

~~((3))~~ (p) Noncentral supply ventilation systems serving nonsensitive areas, with outdoor air for units meeting filtering requirements for central systems in Table 540-4. Recirculated air to individual room units need not be filtered.

(4) A hospital shall design and install plumbing components meeting requirements in chapters 246-290 and 51-26 WAC and WAC 51-20-3100, including:

(a) ((Design and installation meeting requirements under:

(i) WAC 248-18-99902 (3) and (21); and

(ii) WAC 248-18-99902(19) when rooms and areas are designated for use by the handicapped.

~~((b))~~ Backflow prevention device on water supply and plumbing fixtures (~~(meeting requirements under WAC 248-18-99902 (3) and (21))~~);

~~((e))~~ ~~(b)~~ Trap primers in floor drains and stand pipes subject to infrequent use (~~(meeting requirements under WAC 248-18-99902(3))~~);

~~((d))~~ ~~(Lavatories)~~ ~~(c)~~ Handwash sinks in each toilet ~~(room)~~ except where provided in connecting single patient room, dressing or locker room;

~~((e))~~ ~~(d)~~ Skid-resistant floor surfaces in tubs and showers;

~~((f))~~ ~~(e)~~ Wrist, knee, or foot faucet controls or equivalent and gooseneck spouts:

(i) On ~~(lavatories)~~ handwash sinks in patient rooms;

(ii) In toilet rooms adjoining patient rooms except those for psychiatric patients per program requirements; and

(iii) On all ~~(lavatories)~~ handwash sinks and sinks for personnel use where required to control cross infection(~~(, unless the)~~). Except a fixture ((is)) used for soiled functions only and another sink equipped with appropriate controls is located in the same area of the room.

~~((g))~~ ~~(f)~~ Foot, knee, or equivalent faucet controls and gooseneck spouts on ~~(lavatories)~~ handwash sinks and scrub sinks in:

(i) All nursery rooms;

(ii) Birthing rooms;

(iii) Surgery and delivery; ~~(and)~~

(iv) Special procedures, emergency treatment and trauma rooms; and

~~(v)~~ Other sensitive areas.

~~((h))~~ ~~(g)~~ Drinking fountains or equivalent at suitable locations, with at least one on each floor;

~~((i))~~ ~~(h)~~ Insulation (~~(installed)~~) on:

(i) Hot water piping systems (~~(as required to control excessive heat transfer and to provide safety)~~);

(ii) Cold water and drainage piping (~~(as required to control condensation)~~); and

(iii) Piping exposed to outside temperatures(~~(, designed to prevent freezing)~~).

~~((j))~~ ~~(i)~~ Hot water supply meeting requirements (~~(under WAC 248-18-99902 (2) and (21))~~) in WAC 246-318-99902(2);

~~((k))~~ ~~(j)~~ Equipment to deliver hot water at temperatures measured at point of use as follows:

(i) One hundred sixty degrees Fahrenheit or more for laundry;

(ii) One hundred twenty degrees Fahrenheit or more for mechanical dishwashers and laundry washers using chemical sanitization;

(iii) One hundred fifty degrees Fahrenheit or more for high temperature sanitization dishwashers; and

(iv) One hundred twenty degrees Fahrenheit or less at ~~(patient sinks, lavatories,)~~ handwash sinks and bathing facilities.

~~((l))~~ ~~(k)~~ Sewage disposal systems meeting requirements (~~(under WAC 248-18-99902 (22) and (23))~~) in chapters 246-271 and 246-272 WAC;

~~((m))~~ ~~(l)~~ Vacuum and medical gas systems(~~(, installed and tested to meet)~~) meeting requirements ((under WAC 248-18-99902 (4) and (11))) in WAC 246-318-99902(4) and

~~((n))~~ ~~(m)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((o))~~ ~~(n)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((p))~~ ~~(o)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((q))~~ ~~(p)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((r))~~ ~~(q)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((s))~~ ~~(r)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((t))~~ ~~(s)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((u))~~ ~~(t)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((v))~~ ~~(u)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((w))~~ ~~(v)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((x))~~ ~~(w)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((y))~~ ~~(x)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((z))~~ ~~(y)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((aa))~~ ~~(z)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ab))~~ ~~(aa)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ac))~~ ~~(ab)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ad))~~ ~~(ac)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ae))~~ ~~(ad)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((af))~~ ~~(ae)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ag))~~ ~~(af)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ah))~~ ~~(ag)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ai))~~ ~~(ah)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((aj))~~ ~~(ai)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ak))~~ ~~(aj)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((al))~~ ~~(ak)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((am))~~ ~~(al)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((an))~~ ~~(am)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ao))~~ ~~(an)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

~~((ap))~~ ~~(ao)~~ Waste gas evacuation system((, installed and tested to meet requirements under WAC 248-18-99902(24); and

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(i) Call systems meeting requirements (~~(under Table 719-6, Call Systems))~~ in Table 540-6;

(ii) Annunciator at department or unit control point (~~(of department or unit))~~ and additional staff duty stations such as utility, medication, and nourishment rooms and staff lounges; and

(iii) Film illuminators, or equivalent, accommodating at least two x-ray films in all areas where films are viewed, except in private offices.

~~((5))~~ (6) A hospital shall provide interior finishes (~~(with))~~ suitable to the function of an area including:

(a) Floor finishes (~~(suitable to the function of each area and))~~ with:

(i) Easily cleanable surfaces;

(ii) Skid-resistant (~~(material))~~ surfaces at entrances and other areas used while wet; and

(iii) A coved base integral with floors or top set base with toe tight to the walls.

(b) Carpets, if installed (~~(-of))~~:

(i) Made from easily cleanable material;

(ii) (~~(Construction))~~ Constructed to prevent or reduce static build-up;

(iii) With a finish classification (~~(with a-~~

~~(A) Radiant panel test class I, a minimum flux of 0.45 watts per centimeter squared; and~~

~~(B) Smoke density test class A, 450 or less on the smoke test scale-))~~ in accordance with WAC 246-318-99902(14);

(iv) With an average pile density of 4,000 ounces per cubic yard calculated by:

$$\frac{\text{Yarn weight (ounces per square yard)} \times 36}{\text{Pile height (inches)}} =$$

$$\text{Average pile density (ounces per cubic yard);}$$

(v) With a maximum pile height of .312 inches;

(vi) With padding, if used, that is water resistant and permanently bonded to the carpet backing;

(vii) Cemented to the floor; (~~(and))~~

(viii) With edges covered and top set base with toe at all wall junctures;

(ix) May be used in the following nonpatient occupied areas: Administrative areas, lobbies, lounges, chapels, waiting areas, nurses' station, dining rooms, corridors, equipment alcoves opening onto carpeted corridors. Carpets are not permitted in any areas of the surgery or delivery suites; and

(x) May be used in the following patient occupied areas: Patient rooms (excluding toilets, bathrooms, and designated isolation rooms), coronary care units, recovery rooms (not within surgical suites), labor rooms (not within delivery suites), corridors within patient occupied areas, dayrooms, equipment alcoves opening onto carpeted corridors. Carpets may be used in other areas only upon written approval of such use by the department.

(c) Ceiling finishes or construction (~~(suitable to the functions of each area))~~ with:

(i) Monolithic or bonded construction (~~(for ceilings))~~ in patient rooms of psychiatric nursing units, security and seclusion rooms;

(ii) (~~(Concealed duct work and piping in occupied spaces;~~

~~(iii))~~ Easily cleanable surfaces;

~~((iv))~~ (iii) Smooth finish without visible joints or crevices in areas where surgical asepsis must be maintained, such as operating rooms, delivery rooms, and emergency treatment rooms;

~~((v))~~ (iv) Surfaces finished to minimize glare in patient rooms, labor rooms, birthing rooms, operating rooms, delivery rooms, and emergency treatment rooms; and

~~((vi))~~ (v) Surfaces finished to minimize reflection of ultraviolet radiation when ultraviolet radiation generators are used.

(d) Wall finishes (~~(suitable to the functions of each area))~~ meeting requirements (~~(under WAC 248-18-99902(20) which are))~~ in chapter 51-20 WAC with:

(i) (~~(Protected))~~ Protection from impact in high traffic areas;

(ii) Easily cleanable surfaces;

(iii) Smooth (~~(finish))~~ surface without open joints or crevices in areas where surgical asepsis must be maintained, such as operating rooms, delivery rooms, and emergency treatment rooms;

(iv) Surfaces finished to minimize glare in patient rooms and labor rooms and areas in which lasers are used; and

(v) Water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray (~~(-and~~

~~(vi) Protected by corner guards on external angles to resist impact in areas of heavy traffic.~~

~~(e) Safety of occupants assured during installation or application with room or area:~~

~~(i) Well ventilated;~~

~~(ii) Unoccupied; and~~

~~(iii) Unavailable for use until the room or area is free of volatile fumes and odors)).~~

~~((6))~~ (7) A hospital shall provide accessories for bathroom and toilet rooms with:

(a) Backing to support (~~(the))~~ mounting (~~(of))~~ all accessories;

(b) (~~(Special requirements for))~~ Accessories (~~(as follows: (i))~~ at bathing facilities, (water closets) toilets, dressing rooms, and examination rooms, except in psychiatric units as follows:

~~((A))~~ (i) Toilet paper holder at water closets;

~~((B))~~ (ii) Towel bar, hook, or ring at bathing facilities; and

~~((C))~~ (iii) Robe hook.

~~((ii) Suitable))~~ (c) A mirror and shelving or equivalent (~~(with a mirror))~~ at each (~~(lavatory))~~ handwash sink in:

~~((A))~~ (i) Toilet room,

~~((B))~~ (ii) Patient room,

~~((C))~~ (iii) Birthing room,

~~((D))~~ (iv) Dressing room, and

~~((E))~~ (v) Locker room.

~~((iii) Provision of))~~ (d) Dispensers at all sinks, for single-use towels or equivalent (~~(at all lavatories and sinks)),~~ mounted to avoid contamination from splash and spray;

~~((iv) Provision for))~~ (e) Soap at each (~~(lavatory-))~~ sink (~~(-))~~ and bathing facility; and

~~((v))~~ (f) Grab bars (~~(as follows:~~

~~(A) Meeting))~~ that are easily cleanable, resistant to corrosion, functionally designed, securely mounted, and meet the requirements (~~(under WAC 248-18-99902(19);~~

~~(B) Easily cleanable, resistant to corrosion, functionally designed, securely mounted;~~

~~(C))~~ in WAC 51-20-3100 as follows:

~~(i)~~ Mounted on two sides of each standard bathtub and shower; and

~~((D))~~ ~~(ii)~~ At least one horizontal grab bar extended eighteen inches or more in front of the water closet.

~~((E))~~ ~~(g)~~ Accessories in bathing and toilet rooms designated for the handicapped ~~((meeting requirements under WAC 248-18-99902(19)))~~ in accordance with WAC 51-20-3100.

~~((7))~~ ~~(8)~~ A hospital shall provide signage for identification of:

(a) Rooms and spaces; and

(b) Electric panel boards ~~((meeting requirements under WAC 248-18-99902(13)))~~ in accordance with WAC 246-318-99902(7).

TABLE ~~((719-4))~~ 540-1
MINIMUM CLEAR OPENING FOR DOORS AND NOMINAL CEILING HEIGHTS

AREA/ROOM NAME	MINIMUM CLEAR OPENING FOR DOORS	NOMINAL CEILING HEIGHT
Anesthetizing and Special:		
Delivery	3'-10"	((9'-0")) 8'-0"(1)
Fracture	3'-10"	8'-0"
Recovery/post anesthesia care	3'-10"	8'-0"
Surgery	3'-10"	((9'-0")) 8'-0"(1)
Trauma	3'-10"	((9'-0")) 8'-0"(1)
Special procedures	3'-10"	8'-0"
Critical Care:		
Intensive care	3'-10"	8'-0"
Nursing:		
Birthing	3'-10" ((+)) (2)	8'-0"
Nurseries, all	3'-10" ((+)) (2)	8'-0"
Patient	3'-10" ((+)) (2)	8'-0"
Radiology and Imaging:		
Computerized tomography scan	3'-10"	8'-0"
Radiation therapy	3'-10"	((9'-0")) 8'-0"(1)
Fluoroscopy	3'-10"	8'-0"
Nuclear medicine	3'-10"	8'-0"
X-ray	3'-10"	8'-0"
Diagnostic and treatment:		
Physical treatment therapy	3'-10" ((+)) (2)	8'-0"
General:		
Bathrooms and toilets	2'-8" ((+)) (3)	7'-6"

NOTES:

(1) Greater than 8'-0" ceiling heights may be necessary due to equipment to be used in room.

(2) Existing 3'-8" clear opening door permitted in alterations.

~~((2))~~ (3) Existing 2'-6" clear opening door permitted in alterations except in nursing home rehabilitation units.

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TABLE ((719-2)) 540-2
 MEDICAL GASES, VACUUM, AND WASTE GAS EVACUATION

AREA/ROOM NAME	MEDICAL GASES				WASTE GAS EVACUATION I
	OXYGEN	MEDICAL AIR	NITROUS OXIDE	VACUUM	
Anesthetizing and Special:					
Cystoscopic	D	E		D	
<u>Endoscopy</u>	<u>E</u>			<u>E</u>	
Delivery	B,G	A,G	A	D,G	E
Operating	B	A	A	D,H	E
Operating patient hold area	B			B	
Recovery	B	A-Infants Only		C	
<u>Recovery (ECT)</u>	<u>A</u>			<u>A</u>	
Recovery (delivery)	A,G	G		B,G	
Special procedures	D	E	((A)) I	D	((E)) I
Trauma	D	E	I	D	((E)) I
Critical Care:					
Coronary care	B	B		C	
Intensive care	B	B		C	
Nursing:					
Birthing (Labor, Delivery and Recovery)	A,G			((B)) A,G	
Examination, treatment	A			A	
Labor	B			B	
((Nursery:					
Intermediate care	F	F		G	
Neonatal intensive care	F	F		G	
Newborn	A			A	
Patient:))					
Medical, surgical and obstetrical	B			B	
((Outpatient	B			B))	
Pediatrics	B	B		B	
Nursery:					
<u>Intermediate care</u>	<u>F</u>	<u>F</u>		<u>B</u>	
<u>Neonatal intensive care</u>	<u>F</u>	<u>F</u>		<u>B</u>	
<u>Newborn</u>	<u>A</u>			<u>A</u>	
Radiology and Imaging:					
Imaging services	B			B	
Diagnostic and Treatment:					
Autopsy				E	
Emergency treatment	A	E	I	E	((E)) I
<u>Dialysis</u>	<u>J</u>			<u>J</u>	
<u>Treatment</u>	<u>J</u>			<u>J</u>	

NOTES:

- A One outlet accessible to each bed, stretcher, bassinet, or equivalent; one outlet may serve two beds or two bassinets.
- B Separate outlet for each bed, stretcher, bassinet, or equivalent.
- C Two outlets for each bed.
- D Two outlets per room intended for one patient at any one time.
- E One outlet per room.
- F Two outlets per station.
- G Separate outlets for infants.
- H If used for delivery, must include G.
- I Required only when general anesthesia is used.
- J Portable equipment may be used in a ratio of one for every five bed, stretcher, bassinet, or equivalent with a minimum of one unit.

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TABLE ((719-3)) 540-3
GENERAL PRESSURE RELATIONSHIPS AND
VENTILATION OF CERTAIN HOSPITAL AREAS

Area/Room Name	Pressure Relation-Ship To Adjacent Areas	Minimum Air Changes Of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recir-culated Within Room Units
ANESTHETIZING AND SPECIAL:					
Operating and obstetrical delivery (recirculating air system)	P	3	15	Optional	No ¹
Operating and obstetrical delivery (all outdoor air system) ⁶	P	15	15	Yes	No
<u>Special procedures</u>	<u>P</u>	<u>2</u>	<u>6</u>	<u>Optional</u>	<u>Optional</u>
<u>Endoscopy</u>	<u>N or E</u>	<u>2</u>	<u>6</u>	<u>Yes</u>	<u>No</u>
<u>Recovery/post anesthesia care</u>	<u>P</u>	<u>2</u>	<u>6</u>	<u>Optional</u>	<u>No¹</u>
<u>Trauma²</u>	<u>P</u>	<u>3</u>	<u>15</u>	<u>Optional</u>	<u>No¹</u>
CRITICAL CARE:					
Intensive care	P	2	6	Optional	No
NURSING:					
Birthing	P	2	2	Optional	No ¹
Nursery, newborn	P	2	6	Optional	No ¹
Patient	NA	2	2	Optional	Optional
Patient Corridor	NA	2	4	Optional	Optional
Patient isolation ³	((P or N))	2	6	Yes	No
Patient isolation alcove or anteroom ³	((P or N))	2	10	Yes	No
Patient toilet	<u>N</u>	Optional	10	Yes	No
RADIOLOGY AND IMAGING:					
Darkroom	N	2	10	Optional	No
X-ray	NA	2	6	Optional	Optional
DIAGNOSTIC AND TREATMENT:					
Autopsy	N	2	12	Yes	No
Body holding, nonrefrigerated ⁴	N	Optional	10	Yes	No
Examination	((NA)) N or P ⁸	2	6	Optional	Optional
Medication	P	2	4	Optional	Optional
Nuclear medicine	N	2	6	Yes	No
Pharmacy	P	2	4	Optional	Optional
Physical therapy and hydrotherapy	N	2	6	Optional	Optional
Treatment	((NA))	2	6	Optional	Optional
	<u>N or P⁸</u>				
LABORATORY:					
Bacteriology	N	2	6	Yes	No
Biochemistry	P	2	6	Optional	No
Cytology	N	2	6	Yes	No
Glass washing	N	2	10	Yes	Optional
Histology	N	2	6	Yes	No
Media transfer	P	2	4	Optional	No ²
Pathology	N	2	6	Yes	No
Serology	P	2	6	Optional	No
Sterilizing	N	Optional	10	Yes	No
CENTRAL SERVICE:					
Clean workroom and sterile storage	P	2	4	Optional	Optional
((Equipment storage	NA	2 (Optional)	2	Optional	Optional))
ETO sterilizer⁷	N	2	10	Yes	No
Sterilizer equipment	N	Optional	10	Yes	No
Laundry	N	2	10	Yes	No
Soiled receiving/decontamination	N	Optional	10	Yes	No

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KITCHEN AND DIETARY:

Dietary ((day) dry) storage	NA	Optional	2	Optional	No
Food preparation centers	NA	2	10	Yes	No
Ware washing	N	Optional	10	Yes	No

GENERAL:

((Bathroom) Bathing facility)	N	Optional	10	Yes	No
Bedpan dump	N	Optional	10	Yes	No
Janitors closet	N	Optional	10	Yes	No
Utility, clean	P	2	4	Optional	Optional
Utility, soiled	N	2	10	Yes	No

ABBREVIATIONS:

((P = Positive))

N = Negative

P = Positive

NA = Not Applicable (Continuous Direction Control Not Required)

E = Equal

NOTES:

- Recirculating room units meeting the filtering requirements for the space may be used.
- The term "trauma room" used in Table ((~~719-3~~) 540-3) is the operating room space in the trauma center routinely used for emergency surgery. The first aid room and/or "emergency room" used for general initial treatment of accident victims may be ventilated as noted for the "treatment room."
- The isolation rooms described in the standards might be used in the average community hospital. The assumption is the isolation procedures will be for infectious patients and the room should also be suitable for normal private patient use when not needed for isolation.
- The nonrefrigerated body-holding room would be applicable only for facilities not performing autopsies on site and using the space for a short period while waiting for body transfer to be completed.
- Food preparation centers shall have ventilation systems with an excess of air supply for positive pressure when hoods are not in operation.
- The number of air changes may be reduced when areas are not occupied.
- See WAC ((~~248-18-99902(15) and (28)~~) 246-318-99902(8) and 296-62-07355 general occupational health standards for ethylene oxide.
- In accordance with program plan and function of room.

TABLE ((~~719-4~~) 540-4)

**VENTILATION AND AIR CONDITIONING SYSTEMS
FILTER EFFICIENCIES IN HOSPITALS**

AREA/ROOM NAME	FILTER BED 1 FILTER BED 2	
	%	%
Anesthetizing and Special:		
Operating and delivery	25	90
Organ transplant	25	90 (A)
Recovery/post anesthesia care	25	90
Special procedures	25	90
Critical Care:		
Intensive and CCU	25	90
Nursing:		
Birthing	25	90 (B)
Labor	25	90 (B)
Nursery, newborn	25	90
Patient	25	90 (B)

Patient treatment	25	90 (B)
Postpartum	25	90 (B)

Radiology and Imaging:

X-Ray	25	90 (B)
Fluoroscopy	25	90 (B)

Laundry:

	80	NA
--	----	----

Kitchen and Dietary:

Food preparation	80	NA
Storage, bulk	25	NA

General:

Administration	25	NA
Utility, soiled	25	NA

NOTES:

(A) 99.9% recirculating air.

(B) 80% acceptable with total outside air.

NA Not applicable.

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TABLE ((719-5)) 540-5
 PATIENT CARE AREA
 SINGLE ELECTRICAL RECEPTACLE OUTLET REQUIREMENTS

AREA/ROOM NAME	LOCATION IN ROOM (*ACCORDING TO PROGRAM UNLESS OTHERWISE STATED)	TOTAL	CRITICAL EMER- GENCY POWER	SPECIAL REQUIREMENTS (*HOSPITAL GRADE)
ANESTHETIZING AND SPECIAL:				
Delivery	*	12	12	*
Trauma	*	6	6	*
Patient holding	*	4	4	*
Operating	*	12	12	*
Recovery	Head of each bed	4	4	*
Special procedures	*	12	12	*
<u>Endoscopy</u>	*	6	2	*
<u>Outpatient</u>	-			-
<u>pre-op/recovery</u>	<u>Each station</u>	<u>4</u>	<u>2</u>	-
CRITICAL CARE:				
Intensive care and other	Head of each bed	12	12	*
NURSING:				
Birthing ((and)), LDR, LDRP	* for woman and infant	6	2	*
Nursery	Between every two bassinets and *	4	4	-
Nursery, intermediate care	Each station and *	6	6	*
Nursery, neonatal intensive care	Each station and *	12	12	*
<u>Patient</u>	<u>Head of bed</u>	<u>4</u>	<u>2</u>	-
<u>Pediatric</u>	<u>Head of bed</u>	<u>4</u>	<u>2</u>	Tamper- resistant safety receptacles
Pediatric critical care	Head of bed and *	12	12	*
Psychiatric	Head of bed	2	0	Tamper- resistant safety receptacles
DIAGNOSTIC AND TREATMENT:				
Emergency examination	One per wall	4	4	*
Emergency, minor	One per wall	6	6	*
Physical therapy		2(A)	(B)	-
Occupational therapy	*			-
Radiology and imaging	*	(C)		*
<u>Dialysis</u>	<u>Each station</u>	<u>4</u>	<u>D</u>	<u>* (B)</u>
LABORATORY:				
General	*			
Critical equipment	*	2	2	(D)
GENERAL:				
Patient lavatories		2	0	((E)) (B)
Other lavatories		0	0	((E)) (B)
All bathing facilities		0	0	((E)) (B)

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- NOTES:**
- (A) Per treatment area sufficient to support diagnostic and treatment activities.
 - (B) Ground fault circuit interrupter required when installed within five feet of wet areas, sinks, and bathing facilities.
 - (C) Sufficient to support diagnostic and treatment.
 - (D) With grounding conductor and dedicated circuits as required per each piece of equipment and sufficient to support work station.
 - ((E) When installed within five feet of lavatories and bathing facilities, ground fault circuit interrupter required.)

TABLE ((719-6)) 540-6
CALL SYSTEMS

AREA/ROOM NAME	SYSTEM TYPE	INITIATION LOCATION	INDICATOR TYPE	INDICATOR LOCATION
ANESTHETIZING AND SPECIAL:				
Delivery	MES	H	E	E
<u>Emergency receiving/triage</u>	<u>MES</u>	<u>H</u>	<u>E</u>	<u>E</u>
Trauma	<u>PNC</u>	<u>A</u>	<u>B</u>	<u>B</u>
	MES	H,A	E	E
Operating	MES	H	E	C
<u>Electro convulsive therapy</u>	<u>MES</u>	<u>H</u>	<u>E</u>	<u>C</u>
Patient holding area	<u>PNC</u>	<u>A</u>	<u>B</u>	<u>B</u>
Patient induction	PNC	A	B	B
	MES	H	E	E
Recovery stations	PNC	A	G	C
	MES	H	E	E
<u>Special procedures</u>	<u>MES</u>	<u>H</u>	<u>E</u>	<u>E</u>
<u>Pharmacy</u>	<u>MES</u>			
<u>Outpatient pre-op/recovery</u>	<u>PNC</u>	<u>H</u>	<u>G</u>	<u>C</u>
	<u>MES</u>	<u>H,A</u>	<u>E</u>	<u>E</u>
CRITICAL CARE:				
Intensive and coronary care	PNC	A	B	B
	MES	H,A	E	E
NURSING:				
Birthing	PNC	A	B	B
	MES	A,H	E	E
Labor	PNC	A	B	B
	MES	H	E	E
Nursery, neonatal intensive care	MES	H		E
Nursery, intermediate care	MES	H	E	E
Nursery, newborn	MES	H	E	E
Nurses station			Annunciator panel for PNC/MES	
Patient dressing	PNC	F	B,D	B
Patient	PNC	A	B	B
Patient shower, bathroom and toilet	PNC	F	B,D	B
Psychiatric activity	MES	H,I,C	C	
Psychiatric patient	MES	H	C	
Psychiatric seclusion	MES	H	C	
RADIOLOGY AND IMAGING:				
<u>Electrocardiography</u>	<u>MES</u>	<u>H</u>	<u>E</u>	<u>E</u>
<u>Electroencephalography</u>	<u>MES</u>	<u>H</u>	<u>E</u>	<u>E</u>
X-ray, Fluoroscopy (CT, MRI, etc.)	MES	H	E	E
DIAGNOSTIC AND TREATMENT:				
Blood draw	MES	H	E	E
((Emergency)) Exam	PNC	A	B	C
	MES	H	E	E
((Minor)) Treatment	PNC	A	B,C	B,C
	MES	H	E	E
Nuclear medicine	MES	H	E	E
Physical therapy	PNC	I	B,C	B,C
	MES	H	E	E
Occupational therapy	MES	H	E	E
<u>Dialysis station</u>	<u>PNC</u>	<u>H</u>	<u>G</u>	<u>C</u>
GENERAL:				
Emergency entrance	Doorbell	Outside hospital door	AS/VL	At a 24-hour monitored duty station

Utilities AS/VL AS/VL Duty station

ABBREVIATIONS:

PNC = Patient nurse call

MES = Medical emergency signal

AS = Audible signal

VL = Visual light

NOTES:

A Head of bed.

B Register by light at corridor door or treatment area and register by light and audible signal at the nurses' station and duty stations.

C Call signals initiated by staff within a department by remote or other means to register at a staff control point from which assistance is always available.

D Signals from toilets and bathing facilities to have distinctive light and distinctive audible signals.

E Medical emergency system devices to register by distinctive light at the corridor door. Nurses' station annunciator or equivalent shall identify point of origin by a distinctive light and distinctive audible signal. Signal device to be reset only by staff at the point of origin. Distinctive visual and distinctive audible signals at locations from which additional staff assistance is always available.

F A properly located signal device mounted no higher than six feet above the floor and activated by a nonconductive pull cord within easy grasp by a patient slumped forward on the floors of either the toilet, bathing facility, or dressing room.

G Register by light and outside each patient station or register by light and audible signal at the nurses' station.

H Properly located signal device within easy reach by staff.

I Any area not within direct observation.

J May be integrated with other systems.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-550 General requirements for ((service)) support facilities. ((General requirements for service facilities constructed in certain rooms and areas required by other sections of these rules as follows)) Hospitals planning new construction of support facilities shall:

(1) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage ((meeting requirements under WAC 248-18-719)) in WAC 246-318-540;

(2) ((At least one cleaning facility for carts and large equipment with the floor drain connected to a sanitary sewerage system;

~~(3) Each clean materials room considered part of a system for storage and distribution of clean and sterile supplies and materials, with sufficient space for parking of clean supply))~~ Provide staff facilities with:

(a) Space for personal belongings;

(b) A toilet; and

(c) A handwash sink;

(3) Provide clean materials room or area with:

(a) Storage shelves; and/or

(b) Space for carts;

(4) ((Each)) Provide clean utility room with:

(a) A work counter;

PERMANENT

- (b) A handwash sink ((or lavatory));
- (c) Enclosed and/or open storage; and
- (d) ~~((Dispensers or equivalent for towels and liquid detergent.))~~ A soap dispenser and single-use hand drying device;

(5) ~~((Each))~~ Provide clean-up room ((for the surgery or delivery suite, or equivalent;)) separate from the clean materials room or clean utility room, with:

- (a) A clinic service sink;
- (b) A work counter;
- (c) Adequate storage space; and
- (d) A double-compartment sink integral with the counter and space on either side to accommodate equipment and materials to be cleaned((-);
- (6) ~~((Each))~~ Provide housekeeping supply room with:
 - (a) A service sink or equivalent;
 - (b) Soap and towel dispensers or equivalent;
 - (c) A mop rack; and
 - (d) Storage area((-);
- (7) ~~((Each medicine distribution facility, if planned, in a room designed to minimize traffic, with:~~
 - (a) Lavatory;
 - (b) Working surface, either on a cart or counter;
 - (c) Lockable drug storage;
 - (d) Enclosed cabinet or equivalent for storage;
 - (e) Storage space for the medicine cart; and
 - (f) Space and electrical receptacle for a refrigerator.))

Provide medication distribution and storage including:

- (a) Room designed to minimize traffic, with:
 - (i) A handwash sink;
 - (ii) A working surface, either on a cart or counter;
 - (iii) Sturdily constructed, lockable drug storage;
 - (iv) An enclosed cabinet or equivalent for storage;
 - (v) Storage space for medication cart when appropriate;

and

- (vi) Space and electrical receptacle for refrigerator; or
- (b) Permanently affixed satellite medication storage units with:
 - (i) Convenient access to a refrigerator and sink;
 - (ii) A work surface;
 - (iii) Sturdy construction; and
 - (iv) Positive latching locked doors; or

(c) Medication distribution carts, stored in locked room or continuously attended area;

- (8) ~~((Each))~~ Provide soiled materials room separate from clean materials or utility rooms with:
 - (a) A clinic service sink, unless((-
 - (i) ~~A toilet containing bedpan flushing attachment adjoins each patient room; or~~
 - (ii) ~~a soiled utility room is on the same nursing unit((-);~~
 - (b) Space for waste container, linen hampers, carts, and other large equipment; and
 - (c) ~~((Handwashing))~~ A handwash sink or equivalent((-);

(9) ~~((Each))~~ Provide soiled utility room with:

- (a) A double-compartment sink large enough to accommodate equipment to be cleaned;
- (b) A three-foot long work surface which may be moveable;
- (c) Storage cabinets sufficient to store cleaning supplies;
- (d) A clinic service sink with bedpan flushing attachment; and

(e) Space for waste containers, linen hampers, and other large equipment((-);

(10) ~~((Each storage room with:~~

- (a) ~~Arrangement to separate clean and sterile supplies and equipment from used or soiled items;~~

(b) ~~Enclosed storage units or carts or shelves, or drawers for clean and sterile supplies, unless provided in a clean utility room under WAC 248-18-711(4);~~

(c) ~~Storage for large nursing and medical patient care equipment; and~~

(d) ~~Shared use by one or more adjacent units or areas permitted.~~

(11) ~~Aloof space in corridor permitted to accommodate equipment such as stretchers, wheelchairs, walkers, and lifts.))~~ Provide nourishment facilities in a clean room with:

- (a) A refrigerator;
- (b) A work counter or space;
- (c) A handwash sink;
- (d) Storage for utensils and food stuffs;
- (e) Space for a waste container; and
- (f) A three-compartment sink if area will be used to wash dishes, glasses, or pitchers.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-560 Maintenance and mechanical facilities. ~~((REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.))~~

~~(1) BOILER AND/OR MECHANICAL EQUIPMENT ROOMS.³⁵~~

~~INSULATED, SOUND DEADENED, AND MECHANICALLY VENTILATED TO MINIMIZE TRANSFER OF HEAT AND NOISE TO ROOMS OCCUPIED BY PATIENTS AND EMPLOYEES. Not required if location of rooms precludes necessity.~~

~~(2) Maintenance shop.~~

~~(a) LOCATED FOR A MINIMUM OF NOISE AND DUST TO THE REST OF THE HOSPITAL.~~

~~(b) LOCATED AND DESIGNED FOR EASY DELIVERY AND REMOVAL OF EQUIPMENT.~~

Note:
³⁵See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719.))
Hospitals planning new construction of maintenance and mechanical facilities shall:

(1) Follow general design requirements for architectural components, electrical service, lighting, hardware, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide boiler and/or mechanical equipment rooms with insulation, sound deadening and mechanical ventilation to minimize transfer of heat and noise to rooms occupied by patients and employees;

(3) Provide maintenance shop, if planned, located, and designed for easy delivery and removal of equipment and to minimize noise and dust to the rest of the hospital.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-570 Administrative facilities. ((~~REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.~~)

(1) ~~LOBBY.~~

(a) ~~WAITING SPACE.~~

(b) ~~WHEELCHAIR PARKING.~~

(c) ~~PUBLIC TOILETS FOR EACH SEX.~~

(d) ~~PUBLIC TELEPHONE.~~

(e) ~~INFORMATION COUNTER.~~

Provision for sale of newspapers, soft drinks, gifts, cigarettes, etc.

(2) ~~ADMITTING FACILITIES.~~

(a) ~~PROVISION FOR AUDITORY PRIVACY DURING INTERVIEW.~~

(b) ~~Interview rooms.~~

(c) ~~Vault for patient valuables.~~

(d) ~~Routine examination facilities.~~

(3) ~~ADMINISTRATION FACILITIES.~~

(a) ~~OFFICE FOR ADMINISTRATOR.~~

(b) ~~OFFICE FOR DIRECTOR OF NURSING—IF OVER TWENTY FIVE BEDS.~~

(c) ~~Offices for other administrative personnel.~~

(d) ~~Secretarial office space.~~

(e) ~~Board room.~~

(4) ~~BUSINESS OFFICE.~~ Vault for records, cash, etc.

(5) ~~MEDICAL RECORDS FACILITIES.~~

(a) ~~ACTIVE RECORDS STORAGE.~~ SPACE FOR FIFTY INPATIENT RECORDS PER BED PER YEAR, NOT LESS THAN THREE SQUARE FEET FLOOR SPACE PER BED.

(b) ~~ADDITIONAL SPACE FOR OUTPATIENT RECORDS.~~

(c) ~~INACTIVE RECORDS STORAGE.~~

(i) ~~SPACE FOR FIFTY INPATIENT RECORDS PER BED PER YEAR.~~

(ii) ~~TOTAL SPACE DEPENDENT UPON DURATION AND TYPE OF STORAGE PLANNED.~~

(iii) ~~Doctors' dictation facilities.~~

(iv) ~~Transcribing facilities.~~

(6) ~~MEDICAL STAFF FACILITIES.~~

(a) ~~Doctors' in and out register.~~

(b) ~~COAT ROOM.~~

(c) ~~Toilet.~~

(d) ~~Medical lounge and library.~~

(7) ~~HOSPITAL EMPLOYEE FACILITIES.~~

(a) ~~LOCKER ROOMS, and lounges.~~ ADEQUATE TO ACCOMMODATE ALL EMPLOYEES NOT PROVIDED ADEQUATE FACILITIES IN INDIVIDUAL DEPARTMENTS.

(i) ~~SEPARATE FOR MEN AND WOMEN.~~

(ii) ~~SPACE FOR INDIVIDUAL LOCKERS.~~

(b) ~~TOILETS.~~ ADEQUATE TOILETS ADJOINING EACH LOCKER ROOM. ADDITIONAL EMPLOYEES' TOILETS THROUGHOUT THE HOSPITAL TO ADEQUATELY SERVE EMPLOYEES OF ALL DEPARTMENTS.

(c) ~~Showers—Adjoining locker rooms.~~

(8) ~~Conference and training facilities.~~

(9) ~~Retiring room.~~

(10) ~~Social service office.~~

(11) ~~HOUSEKEEPING FACILITIES⁵~~

Suitable combination with other housekeeping facilities permitted if convenient to administration facilities.

Note:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.) Hospitals planning new construction of administrative facilities shall:

(1) Follow general design requirements for architectural components, electrical service, lighting, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping facilities meeting requirements in WAC 246-318-550(6) within or adjacent to the administrative facilities;

(3) Provide a lobby with:

(a) A waiting area;

(b) A conveniently located public toilet with handwash

sink;

(c) A telephone; and

(d) An information desk or signage;

(4) Provide an admitting area with provision for auditory privacy during interviews;

(5) Provide administration offices;

(6) Provide a business office; and

(7) Provide a medical records area with:

(a) Active and inactive records storage; and

(b) Total space appropriate for the duration and type of storage planned.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-580 Receiving, storage and distribution facilities. ((~~REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.~~)

(1) ~~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.~~

(4) ~~GENERAL STORAGE SHALL:~~

(a) ~~BE DESIGNED AND LOCATED FOR MINIMUM DISTURBANCE TO THE OPERATION OF THE HOSPITAL.~~

(b) ~~BE LOCATED TO PREVENT CONTAMINATION OR DAMAGE DURING MOVEMENT OF GOODS TO AND FROM STORAGE.~~

(c) ~~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) ~~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-foot 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 FUNCTIONS,²⁴ e.g., desk, communication system, files.~~

~~(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).~~

~~(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).~~

~~(a) SEGREGATED EITHER BY SPACE OR IN A SEPARATE ROOM OR IN A SEPARATE BUILDING.~~

~~(b) SPACE SIZED TO ACCOMMODATE QUANTITY TO BE STORED.²⁴~~

~~(c) NONFLAMMABLE MEDICAL GAS SYSTEMS INCLUDING OXYGEN, NITROUS OXIDE, AND MEDICAL COMPRESSED AIR SHALL MEET THE STANDARD NFPA 56F.—SEE WAC 248-18-99902(4).~~

~~(12) FLAMMABLE ANESTHETIC STORAGE, when flammable anesthetics to be used in hospital.—SEE WAC 248-18-99902(1).~~

~~(a) LOCATED TO MINIMIZE HAZARD AND DISTURBANCE TO THE HOSPITAL.~~

~~(b) SIZED TO ACCOMMODATE QUANTITY REQUIRED BY PROGRAM.~~

~~(c) FOR USE OF FLAMMABLE ANESTHETICS, NFPA 99, CHAPTER 3, APPLIES.—SEE WAC 248-18-99902(1).~~

~~(13) BULK FOOD STORAGE ROOM.~~

~~(a) May be combined with day storage in room adjacent to kitchen.~~

~~(b) 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 SIX INCHES ABOVE FLOOR.~~

~~(h) LOCATION AND DESIGN OF STORAGE UNITS⁶ TO ALLOW FOR EASY AND REGULAR CLEANING OF SHELVES, WALLS, AND FLOORS.²⁴~~

Note:

⁶May be movable equipment.

²⁴In accordance with program:)) A hospital planning new construction of receiving, storage, and distribution facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide clean supply storage facilities, in addition to the supply facilities in individual departments, with:

(a) At least twenty square feet floor area storage per bed;

(b) Office space;

(c) Off-floor storage when appropriate; and

(d) Accessible handwash sink;

(3) Locate bulk and general supply storage to:

(a) Avoid disturbance to the operation of the hospital; and

(b) Prevent contamination or damage of goods during movement to and from storage;

(4) Provide general storage constructed in accordance with WAC 246-318-540 (2)(h), and to prevent spoilage, contamination, and corrosion of goods stored therein including:

(a) Protection against inclement weather during transfer of supplies;

(b) Secured spaces with appropriate environmental conditions in accordance with federal and state laws and rules on supplies and drug storage if pharmaceuticals are stored; and

(c) Off-floor storage when appropriate;

(5) Provide receiving and unloading area or areas with administrative work space near receiving and break-out areas and located to:

(a) Provide protection for supplies; and

(b) Prevent vehicle exhaust from entering hospital;

(6) Include at least one break-out area for hospital with:

(a) Indoor space to allow for removal and disposal of outside shipping containers prior to storage or transport to clean areas;

(b) Physical separation from clean storage rooms; and

(c) No restriction of egress;

(7) Provide clean storage rooms designed and equipped for storage of all clean and sterilized items with:

(a) Space for shelving and/or cart storage; and

(b) Fixed storage units and shelving at least six inches above floor and located for easy cleaning;

(8) Provide separate room or rooms for flammable and combustible liquid storage in accordance with WAC 246-318-99902(8);

(9) Provide separate room or rooms for storage of laboratory chemicals in accordance with WAC 246-318-99902(9);

(10) Provide storage of gaseous oxidizing materials in accordance with WAC 246-318-99902(10) for materials including, but not limited to, oxygen, nitrous oxide, fluorine, and chlorine trifluoride with:

(a) Segregation either by space or in a separate room or separate building; and

(b) Nonflammable medical gas systems including oxygen, nitrous oxide, and medical compressed air meeting requirements in WAC 246-318-99902(4).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-590 Central sterilizing and processing service facilities. ((Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) 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 IN PATIENT CARE AREAS;

(iv) TO FACILITATE DELIVERY AND RETURN OF SUPPLIES AND EQUIPMENT TO AND FROM OTHER SERVICES;²⁴

(v) Near or adjacent to central stores and distribution services.

(b) AREAS WITHIN THE UNIT ADEQUATE TO PROVIDE FOR PROPER HANDLING OF SUPPLIES AND EQUIPMENT.²⁴

(c) WORK FLOW:

(i) EQUIPPED AND ARRANGED TO PROVIDE WORK FLOW MAINTAINING PROPER SEPARATION OF CLEAN OR STERILE ITEMS FROM SOILED OR CONTAMINATED ITEMS.

(ii) DESIGNED FOR CONTINUOUS OR SEQUENTIAL WORK FLOW FROM RECEIVING TO ISSUING.

(d) SEPARATE RECEIVING AND DECONTAMINATION ROOM.

(e) SEPARATE CLEAN EQUIPMENT STORAGE ROOM.²⁴

(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.

(b) LOCATED TO FACILITATE RETURN OF SOILED OR CONTAMINATED ITEMS WITHOUT TRANSPORTING THE ITEMS THROUGH OTHER AREAS OF CENTRAL 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 248-18-711(2).

(e) WORK FLOW FROM DECONTAMINATION ROOM DIRECTLY INTO CLEAN PREPARATION ROOM AND/OR CLEAN CART STORAGE/PARKING AREA OR AREAS.

(f) EQUIPMENT:

(i) AT LEAST ONE DOUBLE COMPARTMENT SINK MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER.

(ii) ADDITIONAL SINKS OR MECHANICAL WASHERS AS REQUIRED BY TYPES AND VOLUME OF ITEMS TO BE PROCESSED.²⁴

(iii) Washer-sterilizer or sterilizer, pass-through type.

(iv) WORK COUNTER OR EQUIVALENT SPACE FOR COLLECTION EQUIPMENT ADJACENT TO EACH SINK OR MECHANICAL WASHER FOR COLLECTION OF SOILED OR CONTAMINATED ITEMS.

(v) WORK COUNTER OR EQUIVALENT 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.

(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.~~

~~(b) WORK 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 STERILIZING.~~

~~(a) LOCATED BETWEEN FACILITIES FOR ASSEMBLING AND PACKAGING AND FACILITIES FOR STORAGE OF CLEAN AND STERILE SUPPLIES.~~

~~(b) EQUIPMENT:~~

~~(i) AT LEAST ONE PRESSURE STERILIZER OF ADEQUATE SIZE.~~

~~(ii) ADDITIONAL PRESSURE STERILIZERS AS REQUIRED BY VOLUME OF ITEMS TO BE PROCESSED.~~

~~(iii) PRESSURE STERILIZERS TO HAVE RECORDING THERMOMETERS AND AUTOMATIC CONTROLS.~~

~~(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) CLEAN EQUIPMENT STORAGE ROOM, AREA, OR AREAS.¹⁸ Also refer to WAC 248-18-700.~~

~~(a) LOCATED TO FACILITATE ISSUE OF LARGE AND SMALL PATIENT CARE EQUIPMENT. 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) 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) DISTRIBUTION/ISSUE AREA OR AREAS. Also refer to WAC 248-18-700.~~

~~(a) LOCATED TO FACILITATE ISSUE OF CLEAN AND STERILE ITEMS WITHOUT BACKTRACKING THROUGH OTHER AREAS OF CENTRAL PROCESSING SERVICE.~~

~~(b) SPACE FOR MOVEMENT AND PARKING OF CARTS.²⁴~~

~~(c) SPACE FOR EQUIPMENT; e.g., communication system, files, labeling.~~

~~(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 processing service.~~

~~(c) May be desk and file space in suitable location within workroom.~~

~~(10) HOUSEKEEPING FACILITIES.⁵~~

~~Combination with other housekeeping facilities permitted only if suitable and convenient to central sterilizing and processing service facilities.~~

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.

²⁴In accordance with program.) Hospitals planning new construction of central sterilizing and processing service facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping facilities meeting requirements in WAC 246-318-550(6);

(3) Locate central sterilizing and processing service facilities to:

(a) Prevent through traffic;

(b) Avoid contamination of clean and sterile supplies and equipment;

(c) Prevent objectionable heat and noise in patient care areas; and

(d) Facilitate delivery and return of supplies and equipment to and from other services;

(4) Provide central sterilizing and processing service facilities with:

(a) Areas within the unit to provide for proper handling of supplies and equipment;

(b) Work flow designed to maintain separation of clean or sterile items from soiled or contaminated items;

(c) Staff facilities convenient to entrance of central processing/sterilizing facilities including:

(i) Toilet with handwash sink;

(ii) Shower room or area; and

(iii) Change and locker room with storage for clean work attire;

(d) Office room or area:

(i) With communication device; and

(ii) Located to permit access from public areas without entering processing areas;

(5) Locate soiled receiving and decontamination rooms with direct access to preclude transport of soiled or contaminated items through other areas of central processing service with:

(a) Facilities for receiving, disassembling, and cleaning of supplies and equipment physically separated from all other areas of central processing service; and

(b) Work flow from decontamination room directly into clean preparation room;

(6) Provide soiled receiving and decontamination room or rooms with:

(a) Space for soiled collection carts;

(b) An area with a floor drain connected to a sanitary sewerage system for cleaning and disinfecting carts and large equipment unless cart wash facilities are provided elsewhere;

(c) At least one double-compartment sink mounted in or integral with counter with soap dispenser and single-use hand drying device;

(d) Additional sinks or mechanical washers as required by types and volume of items to be processed;

(e) Work counter or equivalent space adjacent to each sink or mechanical washer for collection and separation of soiled or contaminated items and washed items; and

(f) Storage for cleaning supplies and equipment;

(7) Provide clean workroom, preparation and repackaging areas with:

(a) Space and facilities arranged for assembling and packing supplies and equipment for sterilization;

(b) Work surfaces of sufficient size and quantity for assembly of materials and equipment;

(c) Storage;

(d) Space for mobile equipment;

(e) Handwash sink located to prevent splash or spray on clean items; and

(f) A separate room to avoid accumulation and spread of lint, if preparation of linen is a function in central processing;

(8) Locate sterilizing equipment to facilitate movement of supplies/materials from assembling/packaging to storage of clean and sterile supplies with:

(a) Easy access for maintenance;

(b) Ventilation according to manufacturer;

(c) Unalterable air gap for drain and cross-connection control on all incoming water lines;

(d) Pressure sterilizers with recording thermometers and automatic controls; and

(e) If ethylene oxide sterilizer is installed, include:

(i) Mechanical aerator;

(ii) Ventilation in accordance with manufacturer's recommendations and chapter 296-62 WAC;

(iii) Separate storage room for ethylene oxide gas cylinder; and

(iv) Readily accessible emergency deluge shower with floor drain;

(9) Provide separate room or area for clean and sterile items including:

(a) Provisions for issuance without transport through areas of central processing and sterilizing service; and

(b) Enclosed shelves, cabinets, carts, or equivalent if storage is in the preparation area.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-600 ((Housekeeping department))

Environmental services facilities. ((REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.))

(1) Administrative facilities:

(a) Office space.

(b) Telephone.

(2) STORAGE ROOM.

(a) RACKS, BINS, SHELVES, CABINETS.

For:— Extra mop trucks and pails.

Vacuum cleaners and polishers.

Wall working equipment.

Scaffolding and ladders.

Handtrucks and maids' carts.

Extra mop heads and wringers.

Dusters and cleaning cloths.

Soaps and detergents.

(b) LOCKED CUPBOARD.

For:— Pesticides, drain cleaners, etc.

(3) FACILITIES FOR CLEANING.

(a) LARGE EQUIPMENT CLEAN UP AREA.²⁴

(i) May be within storage room for housekeeping equipment if properly separated from storage area.

(ii) EQUIPMENT:

SINK.

FLOOR DRAIN.

(b) HOUSEKEEPING FACILITIES.⁵

WITHIN OR CONVENIENT TO EACH AREA OF THE HOSPITAL AS REQUIRED IN OTHER SECTIONS OF THESE REGULATIONS.

(4) WASTE DISPOSAL FACILITIES.

(a) LOCATED TO PREVENT OBJECTIONABLE TRAFFIC, SMOKE, AND ODORS IN OTHER AREAS OF THE HOSPITAL.

(b) Waste chutes not recommended.

(c) INCINERATION FACILITIES.

(d) STORAGE AREA.

(i) LOCATED IN SEPARATE, WELL VENTILATED ROOM OR OUTSIDE, ENCLOSED SPACE.

(ii) CONSTRUCTED TO PREVENT RAT HARBORAGE.

(e) CAN WASH AREA.

CAN WASH AREA WITH FLOOR DRAIN, HOT AND COLD WATER.—Steam recommended.

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-714(6), HOUSEKEEPING FACILITIES.

²⁴In accordance with program:)) Hospitals planning new construction of environmental services facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, hardware,

interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide a primary housekeeping area with:

(a) Storage area including:

(i) Racks, bins, shelves, or cabinets;

(ii) Storage for pesticides, cleaning compounds, and toxic substances, etc.; and

(iii) Space for mobile equipment;

(b) Cleanup area for large mobile equipment with:

(i) Appropriate sink and floor drain; and

(ii) Soap dispenser and single-use hand drying device;

(c) Waste handling facilities located to prevent objectionable traffic, smoke, and odors in other areas of the hospital including:

(i) Incineration facilities, if planned, and storage area with drain connected to sanitary sewer located in separate, well-ventilated room or outside, enclosed space; and

(ii) Can wash area, if provided, with floor drain connected to a sanitary sewerage system and hot and cold water.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-610 Laundry facilities. ((REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.) FACILITIES LISTED UNDER SUBSECTION (1) OR (2) OF THIS SECTION ARE REQUIRED.

(1) FACILITIES REQUIRED WHEN COMMERCIAL LAUNDRY SERVICE USED EXCLUSIVELY.

(a) ADEQUATE SPACE FOR CIRCULATION AND SEPARATE PARKING AREAS FOR CLEAN AND SOILED CARTS.

(b) SOILED LINEN ROOM.

(i) LOCATED TO PREVENT ODORS AND CONTAMINATION TO PATIENT CARE, SUPPLY, AND FOOD SERVICE AREAS.

(ii) SUITABLY LOCATED FOR DISPATCHING TO COMMERCIAL LAUNDRY.

(iii) SEPARATE ENCLOSED ROOM. ARRANGED TO AVOID THROUGH TRAFFIC.

(iv) SIZED FOR STORAGE OF THREE DAYS' ACCUMULATION OF SOILED LINEN AND NECESSARY SORTING (IF ANY).

(v) MECHANICAL VENTILATION TO PROVIDE AN EXCESS OF EXHAUST OVER SUPPLY.³³

(vi) EQUIPMENT:

HANDWASHING FACILITY IN OR ADJACENT FLOOR DRAIN.

(c) CLEAN LINEN ROOM.

(i) SEPARATE ENCLOSED ROOM.

(ii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iii) LOCATED AND ARRANGED TO AVOID SOURCES OF MOIST OR CONTAMINATED AIR.

(iv) SIZED FOR STORAGE OF RESERVE SUPPLY OF LINEN, BLANKETS, AND PILLOWS.

(d) SEWING ROOM.

May be combined with clean linen room.

(e) HOUSEKEEPING FACILITIES.⁵

Suitable combination with other housekeeping facilities permitted if convenient to laundry facilities.

(2) FACILITIES REQUIRED WHEN LAUNDRY IS PROCESSED IN HOSPITAL.

(a) LOCATED AND ARRANGED TO PREVENT OBJECTIONABLE HEAT, NOISE, ODORS, MOISTURE, AND CONTAMINATION TO PATIENT CARE, SUPPLY, AND FOOD SERVICE AREAS.

(b) ADEQUATE SPACE FOR CIRCULATION AND SEPARATE PARKING AREAS FOR CLEAN AND SOILED CARTS.

(c) SOILED LINEN ROOM.

(i) SEPARATE ENCLOSED ROOM.

(ii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iii) SIZED FOR STORAGE OF THREE DAYS' ACCUMULATION OF SOILED LINEN AND NECESSARY SORTING (IF ANY).

(iv) EQUIPMENT:

HANDWASHING FACILITY IN OR ADJACENT FLOOR DRAIN.

MECHANICAL VENTILATION TO PROVIDE AN EXCESS OF EXHAUST OVER SUPPLY.³³

(d) PROCESSING ROOM OR ROOMS.

(i) SEPARATE FROM OTHER HOSPITAL FACILITIES.

(ii) ROOM SIZE AND CAPACITY OF EQUIPMENT ADEQUATE TO PROCESS FULL SEVEN DAYS' LAUNDRY IN WORK WEEK.

(iii) ARRANGED FOR UNINTERRUPTED FLOW FROM SOILED TO CLEAN (I.E., WASHING, EXTRACTING, IRONING, FOLDING, STORAGE).

(iv) BOTH SOILED AND CLEAN LINENS STORED OUTSIDE PROCESSING AREA.

(v) ADEQUATE VENTILATION PROPERLY ENGINEERED TO AVOID FLOW OF POTENTIALLY CONTAMINATED AIR FROM WASH AREA TO CLEAN AREAS.³³

(vi) EQUIPMENT:

COMMERCIAL WASHER OR WASHERS LOCATED TO AVOID THE SPREAD OF CONTAMINANTS IN THE LOADING OF SOILED LINEN.

COMMERCIAL EXTRACTOR OR EXTRACTORS.

COMMERCIAL TUMBLER OR TUMBLERS.

Commercial ironer or ironers.

Presses.

STORAGE FOR LAUNDRY SUPPLIES.

HANDWASHING FACILITY IN WASH AREA.

FLOOR DRAIN IN WASH AREA.

(e) Drying room.

(i) REQUIRED IF HANG DRYING IS TO BE DONE.

(ii) SEPARATE ENCLOSED ROOM.

(iii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iv) SIZED AND EQUIPPED TO SUIT DRYING NEEDS (e.g., blankets, curtains, etc.).

(v) ADEQUATE VENTILATION PROPERLY ENGINEERED TO AVOID FLOW OF POTENTIALLY CONTAMINATED AIR INTO ROOM.³³

(f) SEWING ROOM.

May be combined with clean linen room.

(g) CLEAN LINEN ROOM.

(i) SEPARATE ENCLOSED ROOM.

(ii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iii) LOCATED AND ARRANGED TO AVOID SOURCES OF MOIST OR CONTAMINATED AIR.

(iv) SIZED FOR STORAGE OF RESERVE SUPPLY OF LINEN, BLANKETS, AND PILLOWS.

~~(h) HOUSEKEEPING FACILITIES.⁵~~~~(i) FACILITIES SERVING OTHER AREAS OF THE LAUNDRY MAY NOT BE IN SOILED LINEN ROOM.~~~~(ii) Suitable combination with other housekeeping facilities permitted if convenient to laundry facilities.~~

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.³³See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719(2) and Table 719-3, VENTILATION.)) Hospitals planning new construction of laundry facilities shall:(1) Follow the general design requirements for architectural components, electrical service, lighting, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;(2) Provide housekeeping facilities within or adjacent to the laundry facilities meeting requirements in WAC 246-318-550(6);(3) Provide laundry facilities with:(a) Adequate space for movement and storage of clean and soiled carts;(b) Separate enclosed soiled linen processing room located to avoid through traffic including:(i) Storage capacity for three days' accumulation of soiled linen;(ii) Handwash sink in or directly adjacent to the room;(iii) Floor drain;(iv) Negative air pressure gradient with direction of air flow from clean side of room to dirty side of room;(v) Convenient location for dispatch to vendor if commercial laundry service is used; and(vi) The following additional provisions if laundry is done on site:(A) Equipment capacity for processing full seven-days laundry in work week;(B) Commercial washing machine;(C) Storage; and(D) Arrangement for uninterrupted work flow from soiled to clean function;(4) Provide a separate enclosed clean linen room located to avoid through traffic and sources of moist or contaminated air with:(a) Storage for reserve supply of linens, blankets, and pillows;(b) Positive air pressure gradient;(c) Commercial dryers;(d) A folding area;(e) A sewing area;(f) A space for carts and/or shelves; and(g) Dryer exhaust and make-up air.AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)WAC 246-318-620 Dietary ((department)) facilities. ((REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.))(1) DIETARY DEPARTMENT, GENERAL.(a) SUITABLY LOCATED TO FACILITATE DELIVERY OF STORES, DISPOSAL OF KITCHEN WASTE, AND TRANSPORTATION OF FOOD TO NURSING UNITS.~~(b) EQUIPMENT CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH NATIONAL SANITATION FOUNDATION STANDARDS.²⁶~~~~(c) ALL EQUIPMENT AND COUNTERS CONSTRUCTED FOR EASY CLEANING AND FREE FROM INACCESSIBLE SPACE PROVIDING HARBORAGE FOR VERMIN.~~~~(d) ADEQUATE SPACE BETWEEN EQUIPMENT (INCLUDING CASEWORK) AND WALL AND/OR FLOOR TO PERMIT CLEANING; OR, EQUIPMENT TIGHT AGAINST WALL AND/OR FLOOR AND JOINT PROPERLY SEALED.~~~~(e) ADEQUATE SPACE FOR CIRCULATION OF CARTS THROUGHOUT DIETARY DEPARTMENT.~~~~(2) ADMINISTRATIVE FACILITIES.~~~~(a) OFFICE SPACE—may be limited to desk and file space.²⁴~~~~(b) Separate room recommended.~~~~(3) RECEIVING AREA.²⁷~~~~(a) LOCATED FOR READY ACCESS TO REFRIGERATION AREA.~~~~(b) Floor seals.~~~~(4) BULK FOOD STORAGE AREA.²⁷~~~~(5) DAY STORAGE ROOM OR AREA.~~~~(a) IN OR ADJACENT TO KITCHEN—may be combined in a room with bulk food storage.~~~~(b) SPACE FOR THREE-DAYS SUPPLY.~~~~(c) STORAGE SHELVES AT LEAST TWELVE INCHES OFF FLOOR AND AT LEAST EIGHTEEN INCHES FROM TOP OF SHELVES TO CEILING.~~~~(d) SPACE FOR LARGE CONTAINERS AND DOLLIES.~~~~(6) REFRIGERATION AREA.~~~~(a) IN OR ADJACENT TO KITCHEN.~~~~(b) SPACE ADEQUATE FOR MINIMUM OF THREE DAYS SUPPLY.~~~~(c) REFRIGERATION UNITS, GENERAL.⁶~~~~A MINIMUM OF TWO SEPARATE SECTIONS OR BOXES (ONE FOR MEATS AND DAIRY PRODUCTS AND ONE FOR FRUIT AND VEGETABLES)—three sections or boxes recommended (one for meat, one for dairy products, and one for fruit and vegetables).~~~~(d) Walk-in boxes.~~~~(i) SHELVES AT LEAST TWELVE INCHES OFF FLOOR.~~~~(ii) SPACE FOR LARGE STORAGE CONTAINERS AND DOLLIES.~~~~(e) Frozen food storage.~~~~Section of walk-in box or separate deep freeze unit.~~~~(7) Ice facilities.~~~~(a) LOCATED TO AVOID CONTAMINATION OF ICE AND TO AVOID TRAFFIC INTO KITCHEN FOR ICE SERVICE FOR OTHER DEPARTMENTS.~~~~(b) EQUIPMENT:~~~~WORK COUNTER.⁶~~~~ICE MACHINE OR ADEQUATE STORAGE UNIT (self dispensing types recommended).~~~~(8) KITCHEN.~~~~(a) LOCATED AND ARRANGED TO AVOID CONTAMINATION OF FOOD; TO PREVENT OBJECTIONABLE HEAT, NOISE, AND ODORS TO PATIENT CARE AREAS; AND TO ELIMINATE THROUGH TRAFFIC.~~

(b) ADEQUATE FLOOR DRAINS.
 (c) ADEQUATE SPACE FOR GARBAGE CONTAINERS.
 (d) MEAT PREPARATION AREA.
 (i) May be omitted if only prefabricated meats are to be used.
 (ii) EQUIPMENT:
 SINK WITH INTEGRAL DRAINBOARD OR COUNTER.
 WORK TABLE OR COUNTER.⁶
 MEAT BLOCK.⁶
 Lavatory.
 (e) FRUIT AND VEGETABLE PREPARATION AREA.
 (i) LOCATED TO AVOID CONTAMINATION OF PREPARED FOODS AND CLEAN EQUIPMENT BY SOIL FROM VEGETABLES.
 (ii) EQUIPMENT:
 TWO COMPARTMENT SINK WITH INTEGRAL DRAINBOARDS OR COUNTERS.
 Food-waste grinder.
 Vegetable peeler.
 (f) COOKING AREA.
 (i) Located between preparation and serving units.
 (ii) EQUIPMENT:
 RANGE(S).
 WORK TABLE(S) OR COUNTER(S).⁶
 UTENSIL STORAGE.
 COOK'S SINK—meat or vegetable sink may be used if conveniently located.
 OVEN(S).²⁸
 Steam kettles.
 Mixers.
 (g) SALAD AND SANDWICH PREPARATION AREA.²⁹
 EQUIPMENT:
 WORK TABLE OR COUNTER.⁶
 REFRIGERATOR.⁶⁻³⁰
 (h) DESSERT PREPARATION AREA.²⁹
 EQUIPMENT:
 WORK TABLE OR COUNTER.⁶
 REFRIGERATOR.⁶⁻³⁰
 (i) SPECIAL DIET PREPARATION AREA.
 (i) May be omitted if special diets are to be prepared in same areas as general diets.
 (ii) EQUIPMENT:
 SINK WITH INTEGRAL DRAINBOARD OR COUNTER.
 REFRIGERATOR.⁶⁻³⁰
 WORK COUNTER.⁶
 STORAGE CABINETS.
 RANGE.
 (j) Bakery area.
 EQUIPMENT:
 MIXER(S).
 OVEN(S).
 RANGE.
 THREE COMPARTMENT SINK—may be single compartment if utensils are to be washed in main pot and pan-wash area.
 WORK TABLE(S).⁶
 COOLING RACK.⁶

POT AND PAN CABINET.
 STORAGE SHELVES.⁶
 PROOF BOX⁶ unless bread is purchased elsewhere.
 (k) PATIENT SERVING AREA.
 (i) ADEQUATE SPACE FOR MOBILE EQUIPMENT SUCH AS FOOD CARTS AND TRAY CARTS.²⁴
 (ii) EQUIPMENT:
 ADEQUATE SERVING EQUIPMENT.²⁴
 CLOSED STORAGE UNITS FOR FOOD CONTAINERS, DISHES, AND TRAYS—may be on open shelves at least thirty inches above floor if utensils are to be reused within twenty four hour periods.
 ICE-CREAM STORAGE.²⁴
 BEVERAGE SERVICE EQUIPMENT.²⁴
 (9) EMPLOYEE SERVING AREA.²⁴
 (a) LOCATED AND ARRANGED TO ELIMINATE TRAFFIC INTO KITCHEN FOR SERVICE. Convenient to kitchen.
 (b) PROTECTION OF OPEN FOOD DISPLAY COUNTERS.
 (c) REFRIGERATION FOR PERISHABLE FOODS.²⁴
 (10) DINING ROOM OR AREA.
 (a) ADJACENT TO EMPLOYEE SERVING AREA—adjacent to dishwashing area.
 (b) AT LEAST TWELVE SQUARE FEET OF FLOOR AREA PER PERSON FOR THE MAXIMUM NUMBER TO BE SERVED AT ANY ONE TIME.
 (11) POT AND PAN WASH AREA.²⁹
 EQUIPMENT:
 THREE COMPARTMENT SINK (OR EQUIVALENT) WITH INTEGRAL DRAINBOARDS OR COUNTERS.
 Floor drain.
 STORAGE CABINETS.
 Food-waste grinder.
 (12) DISHWASHING ROOM OR AREA.
 (a) May be located in a separate area of the kitchen.
 (b) LOCATED TO AVOID TRAFFIC THROUGH OTHER AREAS OF THE KITCHEN.
 (c) LOCATED TO PERMIT UNLOADING OF TRAY CARTS AND RECEIVING OF SOILED DISHES FROM DINING ROOM WITHOUT OBSTRUCTING TRAFFIC IN CORRIDORS.
 (d) EQUIPMENT:
 DISHWASHING MACHINE OR EQUIVALENT.
 FLOOR DRAIN.
 COUNTER FOR DIRTY DISHES.
 Food-waste grinder.
 SPACE FOR GARBAGE CAN.
 PRE-RINSE SINK UNLESS DISHWASHER EQUIPPED FOR PRE-RINSE CYCLE.
 COUNTER FOR CLEAN DISHES.⁶
 LAVATORY—may be located in cooking area if convenient to dishwashing area.
 (13) GARBAGE FACILITIES.
 (a) May be combined with general waste disposal facilities.²⁴
 (b) ADEQUATE SPACE (twenty four square feet of floor area plus five square feet of storage space per can).
 (c) STORAGE AREA.
 (i) LOCATED IN SEPARATE, WELL VENTILATED ROOM OR OUTSIDE, ENCLOSED SPACE.
 (ii) CONVENIENT TO KITCHEN.

(iii) CONSTRUCTED TO PREVENT RAT HARBORAGE.(iv) Refrigerated storage.(d) CAN WASH AREA.GARBAGE CAN WASH AREA WITH FLOOR DRAIN AND HOT AND COLD WATER. Steam recommended.(14) HOUSEKEEPING FACILITIES.⁵Suitable combination with other housekeeping facilities permitted if convenient to dietary facilities.Notes:⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES (JANITORS' AND MAIDS').⁶May be movable equipment.²⁴In accordance with program.²⁶See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719 (5) and (6) EQUIPMENT AND CASEWORK.²⁷See RECEIVING AND STORES, WAC 248-18-700.²⁸May be combined with ranges.²⁹May be combined with cooking areas.³⁰May be combined with other refrigeration.³¹See HOUSEKEEPING DEPARTMENT, WAC 248-18-690(4), WASTE DISPOSAL FACILITIES.) Hospitals planning new construction of dietary facilities shall:(1) Follow the general design requirements for architectural components, electrical service, lighting, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;(2) Provide housekeeping facilities meeting requirements in WAC 246-318-550(6);(3) Meet the food service sanitation requirements in chapter 246-215 WAC;(4) Locate the dietary facility to facilitate:(a) Delivery of stores;(b) Disposal of kitchen waste; and(c) Transport of food to nursing units;(5) Provide the dietary facility with:(a) Equipment and counters constructed for easy cleaning and free from inaccessible space which provides harborage for vermin including:(i) Adequate space between equipment including casework and wall or floor to permit cleaning; and/or(ii) Equipment tight against wall or floor and joint properly sealed;(b) Adequate space for moving carts throughout the facility;(c) Office space;(d) Receiving area readily accessible to the refrigeration and food storage areas;(e) At least one dry storage room located in or adjacent to the kitchen with:(i) Access from an outside delivery entrance;(ii) Proper construction, ventilation, and temperature to minimize spoilage;(iii) Space for large containers and mobile equipment;(iv) Food storage bottom shelves at least six inches above floor; and(v) Storage units located and designed to allow for easy and regular cleaning of shelves, walls, and floors;(6) Provide a refrigeration area in or adjacent to the kitchen with refrigeration units containing a minimum of three separate sections or boxes for:(a) Meats and dairy products;(b) Fruits and vegetables; and(c) Prepared food;(7) Locate kitchen to:(a) Avoid food contamination from other hospital operations;(b) Prevent unnecessary traffic through dietary department; and(c) Prevent objectionable heat, noise, and odors to patient care areas;(8) Provide kitchen with:(a) Storage for clean dishes and utensils at least six inches above the floor;(b) Floor drains;(c) Space for garbage containers;(d) Handwash sink convenient to each food preparation area;(e) Raw or uncooked food, meat, fruit, vegetable preparation area including the following equipment:(i) Two-compartment sink with indirect drainage and integral drainboard or counter; and(ii) Work table or counter;(f) Cooking area including the following equipment:(i) Range;(ii) Work table or counter;(iii) Utensil and cookware storage;(iv) Sink with indirect drainage; and(v) Oven;(g) Salad, sandwich, and dessert assembly area including the following equipment:(i) Sink with indirect drainage and integral drainboard or counter;(ii) Refrigerator;(iii) Work table or counter; and(iv) Storage cabinets;(h) Patient tray preparation area with:(i) Adequate space for mobile equipment such as food tray carts;(ii) Serving equipment;(iii) Closed or covered storage units for food containers, dishes, and trays;(iv) Refrigerator and/or frozen food storage unit; and(v) Beverage service equipment;(i) Provision for bulk ice;(9) Provide employee food service area, if planned, separate from, but convenient to the kitchen;(10) Locate dining room, if planned, adjacent to employee food service area;(11) Locate a dishwashing and utensil washing room or area to:(a) Avoid traffic through other areas of the kitchen; and(b) Permit unloading of tray carts and receiving of soiled dishes without obstructing traffic in corridors;(12) Provide dishwashing and utensil washing area or room with:(a) Two-compartment sink and dishwashing machine or three-compartment sink with integral drainboards or counters;(b) Prerinse sink with garbage disposal unless dishwasher equipped for prerinse cycle;(c) Floor drain;(d) Separate counters for dirty and clean dishes;

- (e) Space for garbage can; and
- (f) Handwash sink;
- (13) Provide garbage handling and storage facilities in a well ventilated room separate from and convenient to the kitchen or in an outside enclosed space with:
 - (a) Cleanable construction to prevent pest harborage; and
 - (b) Garbage can wash area with floor drain and hot and cold water;
- (14) Provide dietary employees with adjacent facilities meeting requirements in WAC 246-318-550(2).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-630 Laboratory and pathology facilities. ((REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.) NUMBER, SIZE, AND TYPE OF FACILITIES DEPENDENT UPON TYPE AND ANTICIPATED VOLUME OF LABORATORY WORK AS PRESENTED IN FUNCTIONAL PROGRAM.

- (1) LABORATORY, GENERAL.
 - (a) LOCATED TO AVOID OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS.
 - (b) ELECTRICAL SERVICE. EMERGENCY POWER TO CRITICAL LABORATORY AREAS.
 - (c) NOISE ATTENUATION.²⁴
 - (d) PIPED UTILITY VALVES AND WASTE LINE CLEAN OUTS ACCESSIBLE FOR REPAIR AND MAINTENANCE.
 - (e) WAITING AREA AVAILABLE.²⁴
 - (f) WORK AREAS FOR TECHNICAL, CLERICAL, AND ADMINISTRATIVE STAFF, FILES, AND STORAGE AREAS.²⁴
 - (g) STAFF TOILET CONVENIENT TO LABORATORY.
- (2) EQUIPMENT—LABORATORY GENERAL:
 - (a) WORK COUNTER OR COUNTERS AT LEAST TWENTY FOUR INCHES DEEP (FREE WORK SPACE) AND TWENTY EIGHT INCHES HIGH AND OF SUFFICIENT DEPTH, HEIGHT, AND LENGTH TO ACCOMMODATE LABORATORY EQUIPMENT AND WORK PROCEDURES.^{20, 24}
 - (b) KNEE HOLE SPACES AT WORK STATIONS.²⁴
 - (c) SINK OR SINKS IN TESTING AREA OR AREAS.^{10, 24}
 - (d) SPACE FOR FREESTANDING EQUIPMENT.²⁴
 - (e) SPACE FOR CHAIRS AND/OR STOOLS AT WORK STATIONS.²⁴
 - (f) EASILY ACCESSIBLE EMERGENCY SHOWERS WITH FLOOR DRAINS AND EYE WASHERS.²⁴
 - (g) DRAINAGE FOR EQUIPMENT AND WASTE DISPOSAL.²⁴
- (3) HOUSEKEEPING FACILITIES WHICH ARE SEPARATE OR SUITABLY COMBINED WITH OTHER HOUSEKEEPING FACILITIES CONVENIENT TO THE LABORATORY FACILITIES.⁵
- (4) BLOOD DRAWING FACILITIES.
 - (a) ROOM OR PRIVATE AREA SEPARATE FROM LABORATORY TESTING AREA.
 - (b) EQUIPMENT.
 - (i) WORK COUNTER.⁶

- (ii) LAVATORY.
- (iii) SPACE TO ACCOMMODATE ADULT WHEELCHAIR AND ACCOMMODATION FOR INFANTS.
- (5) WHEELCHAIR ACCESSIBLE PATIENT TOILET.
 - (a) LOCATED CONVENIENT TO LABORATORY.
 - (b) OPEN SHELF IN TOILET.
- (6) CLEAN-UP, DECONTAMINATION, BIOHAZARDOUS WASTE COLLECTION, OR SOILED UTILITY FACILITIES IN LABORATORY OR ELSEWHERE.²⁴
- (7) WHEN PROVIDED IN FUNCTIONAL PROGRAM, SPECIMEN PREPARATION FACILITY SHALL INCLUDE THE FOLLOWING:²⁴
 - (a) LOCATED IN OR ADJACENT TO LABORATORY.
 - (b) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION.
- (8) WHEN PROVIDED IN FUNCTIONAL PROGRAM, A MEDIA PREPARATION FACILITY SHALL INCLUDE A ROOM OR AREA MEETING VENTILATION REQUIREMENTS SPECIFIED IN WAC 248-18-719(2) and Table 719-3.²⁴
- (9) WHEN PROVIDED IN FUNCTIONAL PROGRAM, A REAGENT PREPARATION FACILITY SHALL INCLUDE EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS.²⁴
 - (a) SPACE FOR VIBRATION FREE BALANCE TABLE UNLESS AVAILABLE ELSEWHERE IN LABORATORY.
 - (b) EQUIPMENT FOR PREPARATION OF REAGENT WATER OR OUTLET FOR PIPED REAGENT WATER PREPARED ELSEWHERE.²⁴
- (10) WHEN PROVIDED IN FUNCTIONAL PROGRAM, MICROBIOLOGY FACILITY SHALL INCLUDE:²⁴
 - (a) SEPARATE ENCLOSED ROOM OR AN AREA LOCATED AWAY FROM TRAFFIC FLOW.
 - (b) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS:
 - (i) SPACE FOR SPECIAL GAS CYLINDERS WITH SAFETY FASTENERS UNLESS ALL GAS IS PIPED IN.
 - (ii) FOR HIGHLY INFECTIOUS MATERIALS (INCLUDING BUT NOT LIMITED TO TUBERCLE BACILLUS, VIRUS, SYSTEMIC MYCOLOGY), PROVIDE ADDITIONAL ENCLOSED AREA WITH COUNTERS, SINK, STORAGE, AND BIOLOGICAL SAFETY CABINET OR LAMINAR FLOW HOOD.²⁴
- (11) WHEN PROVIDED IN FUNCTIONAL PROGRAM, BLOOD BANK FACILITY SHALL INCLUDE:
 - (a) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION;
 - (b) A BLOOD BANK REFRIGERATOR EQUIPPED WITH HIGH AND LOW TEMPERATURE ALARM WHICH SIGNALS IN STAFFED AREA, AND
 - (c) EMERGENCY POWER.
- (12) CHEMISTRY FACILITIES, WHEN PROVIDED IN FUNCTIONAL PROGRAM SHALL INCLUDE EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS.

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~~(a) FUME HOOD WHEN ANY PROCEDURE PRODUCES DANGEROUS, TOXIC, OR NOXIOUS FUMES.²⁴~~

~~(b) SPECIAL EQUIPMENT PROPERLY VENTED AS PER MANUFACTURER'S INSTRUCTIONS (e.g., atomic absorption).²⁴~~

~~(c) SPECIAL GASES PIPED IN OR SPACE FOR SPECIAL GAS CYLINDERS WITH SAFETY FASTENERS (WHEN SPECIAL GASES REQUIRED FOR PROCEDURES).²⁴~~

~~(13) WHEN PROVIDED IN FUNCTIONAL PROGRAM, CYTOLOGY FACILITY SHALL INCLUDE EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION AND FORCED AIR EXHAUST VENTILATION OVER STAINING AREA.~~

~~(14) WHEN INCLUDED IN FUNCTIONAL PROGRAM, HEMATOLOGY FACILITIES SHALL BE LOCATED AS REQUIRED IN SUBSECTION (1) OF THIS SECTION AND EQUIPPED AS IN SUBSECTION (2) OF THIS SECTION.~~

~~(15) WHEN PROVIDED IN FUNCTIONAL PROGRAM, HISTOLOGY FACILITIES SHALL INCLUDE:~~

~~(a) LOCATED IN A SEPARATE ROOM OR AREA.~~

~~(b) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS:~~

~~(i) FUME HOOD OR FORCED AIR LOCATED TO EXHAUST TISSUE PROCESSING EQUIPMENT AND AREAS AS NECESSARY.~~

~~(ii) SPACE FOR FROZEN SECTION EQUIPMENT WHEN FROZEN SECTIONS ARE TO BE PERFORMED IN THIS AREA.²⁴~~

~~(16) MORGUE FACILITIES WHEN IN FUNCTIONAL PROGRAMS SHALL INCLUDE:²⁴~~

~~(a) LOCATED TO ACCOMMODATE TRANSPORTATION OF BODIES VIA LEAST PUBLIC USE CORRIDOR OR CORRIDORS.~~

~~(b) REFRIGERATION FOR BODY STORAGE.~~

~~(c) SPACE FOR HOUSEKEEPING EQUIPMENT.²⁴~~

~~(17) AUTOPSY ROOM WHEN IN FUNCTIONAL PROGRAM SHALL INCLUDE:~~

~~(a) LOCATION CONVENIENT TO MORGUE.~~

~~(b) EQUIPMENT.~~

~~(i) AUTOPSY TABLE WITH WATER SUPPLY, SUCTION OUTLET, AND APPROPRIATE DRAIN.~~

~~(ii) SPACE FOR DISSECTION TABLE OR COUNTER (MAY BE PART OF AUTOPSY TABLE).⁶~~

~~(iii) FLOOR DRAIN.~~

~~(iv) SCRUB SINK.~~

~~(v) STORAGE FOR SUPPLIES AND EQUIPMENT.⁶~~

~~(vi) INSTRUMENT STERILIZER UNLESS PROVIDED ELSEWHERE.~~

~~(vii) CLINIC SERVICE SINK (SIPHON JET) OR OTHER TISSUE DISPOSAL SYSTEM.~~

~~(viii) CHANGING ROOM AND SHOWER.²⁴~~

~~(c) SPACE FOR HOUSEKEEPING EQUIPMENT.²⁴~~

~~(18) WHEN PROVIDED IN FUNCTIONAL PROGRAM, ANIMAL QUARTERS WHICH SHALL INCLUDE:~~

~~(a) LOCKED APART FROM LABORATORY AND TO AVOID ANNOYANCE.~~

~~(b) ADEQUATE FACILITIES BASED UPON TYPES AND EXTENT OF USAGE OF ANIMALS IN LABORA-~~

~~TORY WORK, INCLUDING PROVISIONS FOR FOOD AND SUPPLY STORAGE, HANDWASHING, DISPOSAL OF WASTES AND DEAD ANIMALS, CLEANING AND SANITIZING OF QUARTERS AND CAGES, AND LOCKED ISOLATION OF INOCULATED ANIMALS.~~

NOTES:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

¹⁹CORROSION RESISTANT—Stainless steel recommended.

²⁰IMPERMEABLE SURFACE.

²⁴IN ACCORDANCE WITH PROGRAM:)) Hospitals planning new construction of laboratory and pathology facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide a clean-up room meeting requirements in WAC 246-318-550(5); and a housekeeping supply room meeting requirements in WAC 246-318-550(6). Housekeeping facilities may be shared if convenient to the laboratory facilities;

(3) Locate laboratory facility to avoid outpatient traffic through inpatient areas and provide with:

(a) Electrical service including emergency power to critical laboratory areas;

(b) Noise attenuation where applicable;

(c) Piped utility valves and waste line clean-outs accessible for repair and maintenance;

(d) Waiting area;

(e) Work areas for technical, clerical, and administrative staff, files, and storage;

(f) Staff facilities meeting requirements in WAC 246-318-550(2) convenient to the laboratory;

(g) Impermeable work counter or counters with sufficient height, depth, and length to accommodate equipment and procedures;

(h) Knee hole spaces at work stations where appropriate;

(i) Corrosion resistant sinks in testing areas and in accordance with program;

(j) Space for freestanding equipment;

(k) Storage;

(l) Clear aisle width suitable to function and to provide accessibility;

(m) Easily accessible emergency showers with drains and eye washers;

(n) Special drainage as appropriate for equipment and waste disposal;

(o) Blood drawing room or area separate from laboratory testing area including:

(i) Work counter;

(ii) Handwash sink; and

(iii) Space to accommodate wheelchair and infants; and

(p) Wheelchair accessible patient toilet with shelf or equivalent to accommodate specimen collection and handwash sink;

(4) Provide the following if laboratory services are planned:

(a) Specimen preparation area located in or adjacent to laboratory with equipment as required in subsection (3)(a), (e), (g), (i), (j), (k), and (l) of this section;

(b) Media preparation room or area meeting the ventilation requirements in WAC 246-318-540, Table 540-3;

(c) Reagent preparation area including equipment as required in subsection (3)(g), (h), (i), (j), and (k) of this section with:

(i) Space for vibration-free balance table unless available elsewhere in laboratory; and

(ii) Equipment for preparation of reagent water or outlet for piped reagent water prepared elsewhere;

(d) Microbiology area including:

(i) Separate enclosed room or an area located away from traffic flow; and

(ii) Equipment as required in subsection (3)(a), (e), (g), (i), (j), (k), and (l) of this section with the following additional provisions:

(A) Space for special gas cylinders with safety fasteners unless all gas is piped in; and

(B) For highly infectious materials (including but not limited to tubercle bacillus, virus, systemic mycology), an additional enclosed area with counters, sink, storage, and biological safety cabinet or laminar flow hood;

(e) Blood bank area including:

(i) Equipment as required in subsection (3) of this section; and

(ii) A blood bank refrigerator equipped with high and low temperature alarm which signals in staffed area;

(f) Chemistry area including equipment as required in subsection (3)(a), (b), (e), (i), (j), (k), (l), (m), and (n) of this section with the following additional provisions if applicable:

(i) Fume hood when any procedure produces dangerous, toxic, or noxious fumes;

(ii) Special equipment properly vented as per manufacturer's instructions (e.g., atomic absorption); and/or

(iii) Special gases piped in or space for special gas cylinders with safety fasteners;

(g) Cytology and/or histology in a separate area with:

(i) A staining area with forced air exhaust ventilation;

(ii) As necessary, a fume hood to exhaust tissue processing equipment;

(iii) Space for frozen section equipment as needed; and

(iv) Provisions for storing flammable materials used in the area;

(h) Hematology facility located and equipped as required in subsection (3) of this section;

(5) Locate a morgue facility, if planned, to accommodate transport of deceased via least used public corridor or corridors and provide refrigeration for body storage;

(6) Locate an autopsy room, if planned, adjacent to the morgue and provide with:

(a) An autopsy table with water supply, suction outlet, and appropriate drain;

(b) Space for dissection table or counter;

(c) A floor drain;

(d) A scrub sink;

(e) An instrument sterilizer unless provided elsewhere;

(f) A conveniently located changing room, toilet, handwash sink and shower; and

(g) Space for housekeeping equipment;

(7) Locate animal quarters, if planned, apart from laboratory and to avoid annoyance with provisions for:

(a) Food and supply storage;

(b) Handwash sink;

(c) Disposal of wastes and dead animals;

(d) Cleaning and sanitizing of quarters and cages; and

(e) Locked isolation of inoculated animals.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-640 Pharmacy. ~~((REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.) Not required if hospital is to use outside pharmacy services exclusively.~~

~~(1) PHARMACY, GENERAL.~~

~~(a) LOCATED IN A CLEAN, SECURE ROOM.~~

~~(b) ALL ENTRANCES EQUIPPED WITH CLOSERS.~~

~~(c) LOCKING MECHANISMS ON ALL ENTRANCE DOORS.~~

~~(d) ALL PERIMETER WALLS OF THE PHARMACY AND VAULT SHALL BE CONSTRUCTED FULL HEIGHT FROM FLOOR TO UNDERSIDE OF STRUCTURE ABOVE.~~

~~(e) ACCESSIBLE WINDOWS AND RELITES SUPPLIED WITH SECURITY DEVICES OR ALARM SYSTEMS.~~

~~(f) EMERGENCY SIGNAL DEVICE TO SECURE EMERGENCY ASSISTANCE.~~

~~(2) GENERAL COMPOUNDING AND DISPENSING UNIT OR AREA.~~

~~(a) Dispensing window. If provided, equipped with appropriate security device.~~

~~(b) Instruction area to allow for patient privacy while receiving instructions regarding drug usage.~~

~~(c) EQUIPMENT:~~

~~(i) WORK COUNTER.²⁰~~

~~(ii) SINK¹⁹ (MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER).~~

~~(iii) STORAGE UNIT⁶—Drawers, cupboards, and shelves to accommodate different size containers.~~

~~(iv) REFRIGERATOR.⁶~~

~~(v) Freezer.⁶~~

~~(vi) SPACE FOR TRANSPORTATION EQUIPMENT.²⁴~~

~~(vii) Telephone.~~

~~(viii) Bulletin board.~~

~~(3) Manufacturing and unit dose packaging area.~~

~~(a) Located in a work area separate from other functions:~~

~~(b) EQUIPMENT:~~

~~(i) WORK COUNTER.²⁰~~

~~(ii) SINK¹⁹ (MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER).~~

~~(iii) STORAGE UNITS⁶~~

~~(4) Parenteral, Admixtures, Radiopharmaceuticals, and Other Sterile Compounding Area.~~

~~(a) LOW TRAFFIC, CLEAN AREA. May be located in other suitable, clean area outside pharmacy.~~

~~(b) PREPARATION AREA.~~

~~EQUIPMENT:~~

~~(i) WORK COUNTER.²⁰~~

~~(ii) Laminar flow unit.~~

~~(iii) SINK¹⁹ (MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER).~~

~~(iv) SPACE FOR PARKING OF PORTABLE EQUIPMENT.²⁴~~

~~(v) STORAGE UNITS.⁶~~

~~(5) LOCKED STORAGE FOR SCHEDULE II CONTROLLED SUBSTANCES.~~

~~(6) SPACE FOR FILES AND CLERICAL FUNCTIONS. May be located in another suitable area outside the pharmacy. Office and library.~~

~~(7) Waiting room or area. Located outside the physical boundaries of the pharmacy.~~

~~(8) Conference room.~~

~~(9) BREAKOUT AREA SEPARATE FROM CLEAN AREAS.~~

~~(10) HOUSEKEEPING FACILITIES.~~

~~Suitable combination with other housekeeping facilities permitted if convenient to pharmacy.~~

Notes:

⁶May be movable equipment.

¹⁹CORROSION RESISTANT—Stainless steel recommended.

²⁰IMPERMEABLE SURFACE.

²⁴In accordance with program:)) Hospitals planning new construction of a pharmacy shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping facilities within or adjacent to the pharmacy meeting requirements in WAC 246-318-550(6);

(3) Locate pharmacy in a clean, separate, secure room with:

(a) Storage, including locked storage for Schedule II controlled substances in accordance with WAC 246-873-070 and 246-873-080;

(b) All entrances equipped with closers;

(c) Automatic locking mechanisms on all entrance doors to preclude entrance without a key or combination;

(d) All perimeter walls of the pharmacy and vault constructed full height from floor to underside of structure above;

(e) Security devices or alarm systems for perimeter windows and relites;

(f) An emergency signal device to signal at a location where twenty-four-hour assistance is available;

(g) Space for files and clerical functions;

(h) Break-out area separate from clean areas; and

(i) Electrical service including emergency power to critical pharmacy areas and equipment;

(4) Provide a general compounding and dispensing unit, room, or area with:

(a) A work counter with impermeable surface;

(b) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;

(c) Storage space;

(d) A refrigeration and freezing unit; and

(e) Space for mobile equipment;

(5) Provide manufacturing and unit dose packaging area or room, if planned, with the following:

(a) Work counter with impermeable surface;

(b) Corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter; and

(c) Storage space;

(6) Locate admixture, radiopharmaceuticals, and other sterile compounding room, if planned, in a low traffic, clean area with:

(a) A preparation area;

(b) A work counter with impermeable surface;

(c) A corrosion-resistant sink, suitable for handwashing, mounted in counter or integral with counter;

(d) Space for mobile equipment;

(e) Storage space;

(f) A laminar flow hood in admixture area; and

(g) Shielding and appropriate ventilation in accordance with WAC 246-318-540 (3)(m) for storage and preparation of radiopharmaceuticals;

(7) Satellite pharmacies, if planned, shall meet the requirements in: Subsections (1), (3)(a), (b), (c), (d), (e), and (f) of this section when drugs will be stored; subsection (3)(g), (h), and (i) of this section, if appropriate; and subsection (4)(a) through (e) of this section and subsection (6)(a) through (g) of this section if planned;

(8) Provide separate outpatient pharmacy, if planned, meeting requirements for satellite pharmacy including:

(a) Easy access;

(b) A conveniently located toilet meeting accessibility requirements in WAC 51-20-3100; and

(c) A private counseling area.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-650 Radiology and other imaging facilities. Hospitals planning new construction of radiology and imaging facilities (~~shall meet requirements under WAC 248-18-99902(18), WAC 248-28-032, and~~) shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage under WAC ((248-18-719:)) 246-318-540;

(2) Meet ((general)) requirements ((for certain service facilities under WAC 248-18-711 and provide the following:

(a) Clean-up area;

(b) Housekeeping room; and

(c) Storage room or area.

(3) Provide radiographic room with:

(a) Location to minimize outpatient traffic through inpatient areas and convenient for the transport of patients from emergency department, surgery suite, and nursing units;

(b) Barrier-free access for wheeled stretcher or bed movement;

(c) Control area in accordance with WAC 402-28-032;

(d) Installations for imaging equipment, cobalt 60, or other sources of ionizing radiation, and radiation protection of floors, doors, walls, and ceilings in accordance with WAC 248-18-99902(18) and WAC 402-28-032;

(e) Grounding of table, tube stand and controls, and any associated electrical apparatus in accordance with WAC 248-18-99902(13);

(f) Facilities and equipment to provide infection control as required under WAC 248-18-035 and 248-18-311; and

(g) Lavatory in or immediately available to radiographic room or rooms.

(4) Provide contrast preparation area containing:

(a) A lavatory or sink with barium trap;

(b) Work counter; and

(c) Enclosed storage cabinets or movable enclosed storage cabinets.

(5) Provide processing or dark room or equivalent which is light tight and has:

(a) A safe light which means an electric light that does not fog films;

(b) Developing tank with a thermostatic mixing valve, or automatic film processor with appropriate backflow protection;

(c) Film storage, shielded from stray radiation;

(d) Work counter;

(e) Sink, if dark room is provided; and

(f) Lighting provided for clean-up and maintenance purposes.

(6) Provide dressing area with rooms or booths providing privacy for dressing and including:

(a) Provision for clean and soiled linen storage in or near dressing rooms; and

(b) Access to at least one barrier free booth or room to accommodate a wheelchair in or adjacent to the dressing area.

(7) Provide image viewing area with:

(a) Film illuminator or equivalent, for viewing at least two films; and

(b) Location to prevent public view of films.

(8) Provide waiting area with space for wheelchair patients, stretcher patients, and ambulatory patients.

(9) Provide toilet connected to or adjacent to radiographic room or rooms, with ratio of one toilet for every two radiographic rooms.

(10) Provide administrative facilities with:

(a) Office area, with provision for consultation; and

(b) An active film file area.

(11) Provide staff facilities separate or shared with other service areas meeting requirements under WAC 248-18-525(7).

(12) Meet the following requirements if planning new construction of imaging rooms listed below:

(a) Fluoroscopy room meeting requirements under subsection (3) of this section;

(b) Angiography room with scrub sinks designed to meet requirements under WAC 248-18-251(5) and 248-18-645(9);

(c) Cardiac laser, cardiac catheterization with angioplasty or valvuloplasty with scrub sink and designed to meet requirements under WAC 248-18-251(5), 248-18-645(9), and 248-18-711 (2), (4), and (10);

(d) Computerized tomography or computerized axial tomography (CT) room:

(i) With lavatory;

(ii) Meeting manufacturer's specifications for installation and safety; and

(iii) Meeting requirements under WAC 248-18-251(5) and 248-18-645(9).

(e) Lithotripsy room meeting requirements under WAC 248-18-251(5), 248-18-711 (2), (4), and (10), and accessible

to cystoscopy, if appropriate, meeting requirements of WAC 248-18-645(9);

(f) Mammography room with provisions for patient privacy;

(g) Magnetic resonance imaging (MRI) room meeting manufacturer's specifications for installation and safety;

(h) Nuclear medicine room with a separate laboratory including a lavatory for preparation, storage, and safe disposal of radioactive materials meeting:

(i) Manufacturer's specifications for installation and safety; and

(ii) Requirements under WAC 248-18-99902(27).

(i) Other specialized rooms intended for invasive procedures meeting requirements under WAC 248-18-251(5) and 248-18-645(9);) in WAC 246-318-99902(11) and 402-28-032;

(3) Provide clean-up room meeting requirements in WAC 246-318-550(5); and housekeeping supply room meeting requirements in WAC 246-318-550(6);

(4) Locate radiographic room to minimize outpatient traffic through inpatient areas and facilitate transport of patients to and from other hospital services areas;

(5) Provide radiographic room with:

(a) Access for wheeled stretcher or bed movement;

(b) Control area;

(c) Grounding of table, tube stand and controls, and any associated electrical apparatus in accordance with WAC 246-318-99902(7); and

(d) A handwash sink adjacent to radiographic room or rooms;

(6) Provide a contrast preparation area including:

(a) A handwash sink with barium trap;

(b) A work counter; and

(c) Enclosed storage cabinets or movable enclosed storage cabinets;

(7) Provide a processing or dark room or equivalent which is light-tight including:

(a) A safe light that does not fog films;

(b) Developing tank with a thermostatic mixing valve, or automatic film processor with appropriate backflow protection;

(c) Film storage, shielded from stray radiation;

(d) Work counter;

(e) Sink, if dark room is provided; and

(f) Lighting for clean-up and maintenance purposes;

(8) Provide dressing area with rooms or booths for privacy including:

(a) Provision for clean and soiled linen storage in or near dressing rooms; and

(b) At least one booth or room designed to accommodate a wheelchair in or adjacent to the dressing area;

(9) Provide image viewing area with:

(a) Film illuminator or equivalent, for viewing at least two films; and

(b) Location to prevent public view of films;

(10) Provide waiting area with space for wheelchair patients, stretcher patients, and ambulatory patients;

(11) Provide toilet connected to or adjacent to radiographic room or rooms, with ratio of one toilet for every two radiographic rooms;

(12) Provide supply and equipment storage;

(13) Provide administrative facilities with:

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- (a) Office area, with provision for consultation; and
- (b) An active film file area;
- (14) Provide staff facilities separate or shared with other service areas meeting requirements in WAC 246-318-550(2);
- (15) Provide fluoroscopy room, if planned, meeting requirements in subsection (5) of this section;
- (16) Provide angiography room, if planned, meeting requirements in WAC 246-318-850(7);
- (17) Provide cardiac laser, cardiac catheterization with angioplasty or valvuloplasty room, if planned, meeting requirements in WAC 246-318-850(8);
- (18) Provide computerized tomography or computerized axial tomography (CT) room, if planned, with handwash sink and meeting manufacturer's specifications for installation and safety;
- (19) Provide mammography room, if planned, with provisions for patient privacy;
- (20) Provide magnetic resonance imaging (MRI) room, if planned, meeting manufacturer's specifications for installation and safety;
- (21) Provide nuclear medicine room, if planned, meeting requirements in WAC 246-318-660;
- (22) Provide other specialized rooms intended for invasive procedures meeting requirements in WAC 246-318-850(8).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-660 ((Radioisotope)) Nuclear medicine facilities. ((Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.)

- (1) RADIOISOTOPE FACILITIES, GENERAL.²¹
 - (a) LOCATED SO OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS WILL BE AVOIDED.
 - (b) LOCATED TO MINIMIZE EXPOSURE HAZARD TO PATIENTS AND PERSONNEL.
 - (c) Located for ease of access by outpatients.
 - (d) Located in or near clinical department assuming responsibility.
 - (e) WORK SURFACES AND FLOORS SUBJECT TO SPILLS OF RADIOACTIVE SOLUTIONS TO BE IMPERMEABLE, READILY DECONTAMINATED SURFACES.
- (2) RADIOCHEMISTRY LABORATORY.
 - (a) ADEQUATE RADIATION SHIELDING AND OTHER PROTECTIVE DEVICES TO FACILITATE SAFE STORAGE AND HANDLING OF ISOTOPES AND WASTE MATERIALS.^{6 21}
 - (b) EQUIPMENT:
 - SEPARATE WORK SURFACES FOR PATIENT DOSE AND FOR CLINICAL SPECIMEN PREPARATION.
 - FACILITIES FOR AIR CONTROL²² (glove box or fume hood).
 - LOCKABLE ISOTOPE STORAGE.⁶
 - EQUIPMENT AND SUPPLY STORAGE.⁶
 - LAVATORY OR SINK.
 - LOCKABLE STORAGE FOR CONTAMINATED EQUIPMENT AND WASTE MATERIALS.⁶
 - Storage unit⁶ for monitoring equipment located to avoid contamination.
 - (3) PATIENT UP TAKE MEASURING ROOM.

- (a) LOCATED AWAY FROM X RAY MACHINES, AND RADIOACTIVE MATERIALS OR BE ADEQUATELY SHIELDED.
- (b) DESK AND FILE SPACE.
- (c) WAITING AREA—May be shared with other area if adjacent.
- (d) SPACE FOR DENTAL CHAIR OR EXAMINATION TABLE.
- (e) EQUIPMENT:
 - Lavatory or sink.
 - WORK SURFACE FOR SCALER AND DETECTORS.
 - STORAGE CABINETS.⁶

Notes:

⁶May be movable equipment.

²¹Refer to WAC 248-18-99902(27).

²²May be omitted if program indicates is not needed.)) Hospitals planning new construction of nuclear medicine facilities shall:

- (1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;
- (2) Provide housekeeping facilities meeting requirements in WAC 246-318-550(6);
- (3) Meet requirements in Radiation protection standards, chapter 246-221 WAC;
- (4) Locate the facility to avoid outpatient traffic through inpatient areas with minimum exposure hazard to patients and personnel;
- (5) Provide impermeable, readily decontaminated work surfaces and floors subject to spills of radioactive solutions;
- (6) Provide radiochemistry lab with radiation shielding and other protective devices to facilitate safe storage and handling of nuclides and waste materials including:
 - (a) Separate work surfaces for patient dose and clinical specimen preparation;
 - (b) Fume hood, if appropriate, in accordance with WAC 246-318-540 (3)(m);
 - (c) Lockable nuclide storage;
 - (d) Equipment and supply storage;
 - (e) Corrosion-resistant sink suitable for handwashing;
- and
- (f) Lockable storage for all radioactive materials, equipment and waste;
- (7) Locate patient imaging room away from x-ray machines, and radioactive materials or shield the room and provide with:
 - (a) Administrative work surface at least ten feet away from imaging device;
 - (b) Conveniently located waiting area for dosed-patient use only;
 - (c) Space for examination bed, table, or equivalent;
 - (d) Work surface for scaler and detection equipment;
- and
- (e) Storage;
- (8) Provide toilet for dosed-patient use only meeting accessibility requirements in WAC 51-20-3100, with impermeable surfaces and handwash sink;

(9) Provide a private patient clothes changing room or area including a receptacle for potentially contaminated hospital clothing.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-670 Electrocardiography facilities.
 ((Optional, SHALL MEET REQUIREMENTS, IF INCLUDED.

(1) ~~LOCATED OUTSIDE LABORATORY TESTING AREAS IN DESIGNATED ROOM OR AREA FREE FROM EXCESSIVE NOISE AND PROVIDING PRIVACY FOR PATIENTS.~~

(2) ~~MINIMUM DIMENSION OF EIGHT FEET AND MINIMUM AREA OF EIGHTY SQUARE FEET.~~

(3) ~~WHEN STRESS TEST FACILITY, MINIMUM AREA ONE HUNDRED FIFTY SQUARE FEET AND VERTICAL HEIGHT NINE FEET.~~

(4) ~~EQUIPMENT:~~

(a) ~~LAVATORY OR SINK IN OR CONVENIENT TO ROOM.~~

(b) ~~SPACE FOR ELECTROCARDIOGRAPHIC MACHINE.~~

(c) ~~CLOTHES HOOK OR HOOKS.~~

(d) ~~LINEN STORAGE AND DISPOSAL FACILITIES OR SPACE IN OR CONVENIENT TO ROOM.⁶~~

(e) ~~MEDICAL EMERGENCY SIGNAL DEVICE.~~

(i) ~~REGISTER BY DISTINCTIVE LIGHT AT CORRIDOR DOOR OR EQUIVALENT LOCATOR SYSTEM,~~

(ii) ~~REGISTER BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE, AND~~

(iii) ~~RESET ONLY AT POINT OF ORIGIN.~~

(f) ~~RECORD FILING FACILITY OR SPACE IN OR CONVENIENT TO ROOM OR ROOMS.⁶~~

FOOTNOTE: ⁶May be movable equipment.) Hospitals planning new construction of electrocardiography facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping facilities on or convenient to the electrocardiography facility meeting requirements in WAC 246-318-550(6);

(3) Locate electrocardiography facility outside laboratory testing areas in designated room or area, free from excessive noise and providing privacy for patients with:

(a) A minimum dimension of eight feet;

(b) A minimum area of eighty square feet;

(c) A minimum area of one hundred fifty square feet when a stress test facility is planned;

(d) Handwash sink;

(e) Space for electrocardiographic machine;

(f) Clothes hook or equivalent;

(g) Storage; and

(h) Space for soiled linen and garbage containers.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-680 Electroencephalography facilities.
 ((Optional, SHALL MEET REQUIREMENTS, IF INCLUDED.

(1) ~~LOCATED OUTSIDE OF LABORATORY TESTING AREAS IN DESIGNATED ROOM OR AREA FREE FROM EXCESSIVE NOISE AND PROVIDING PRIVACY FOR PATIENTS.~~

(2) ~~NOISE ATTENUATION MATERIALS IN WALLS AND CEILINGS.~~

(3) ~~MINIMUM DIMENSION OF EIGHT FEET AND MINIMUM AREA OF ONE HUNDRED SQUARE FEET.~~

(4) ~~EQUIPMENT:~~

(a) ~~LAVATORY OR SINK IN ROOM OR NEARBY.~~

(b) ~~ADMINISTRATIVE OR CLERICAL AREA LOCATED IN SEPARATE ROOM FROM TESTING AREA.~~

(c) ~~CLOTHES HOOK OR HOOKS.~~

(d) ~~LINEN STORAGE AND DISPOSAL FACILITIES OR SPACE IN OR CONVENIENT TO ROOM.⁶~~

(e) ~~MEDICAL EMERGENCY SIGNAL DEVICE TO:~~

(i) ~~REGISTER BY DISTINCTIVE LIGHT AT CORRIDOR DOOR OR EQUIVALENT LOCATOR SYSTEM,~~

(ii) ~~REGISTER BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE, AND~~

(iii) ~~RESET ONLY AT POINT OF ORIGIN.~~

FOOTNOTE: ⁶May be movable equipment.) Hospitals planning new construction of electroencephalography facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping facilities within or adjacent to the electroencephalography facility meeting the requirements in WAC 246-318-550(6);

(3) Locate electroencephalography facility outside laboratory testing areas in designated room or area, free from excessive noise and providing privacy for patients with:

(a) Noise attenuation materials in walls and ceilings;

(b) Minimum dimension of eight feet;

(c) Minimum area of one hundred square feet;

(d) Handwash sink;

(e) Clothes hook or equivalent;

(f) Administrative, clerical, or monitoring area located in separate room from testing area;

(g) Space for electroencephalography equipment;

(h) Storage; and

(i) Space for soiled linen and refuse receptacles.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-690 Nursin unit((—General)).
 ((REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) DEFINITION. A SEPARATE, PHYSICAL, AND FUNCTIONAL UNIT OF THE HOSPITAL WHICH

~~INCLUDES A GROUP OF PATIENT ROOMS, AND THE ANCILLARY ADMINISTRATIVE AND SERVICE FACILITIES NECESSARY TO PROVIDE NURSING SERVICE TO THE OCCUPANTS OF THESE PATIENT ROOMS. EXCLUDES FACILITIES WHICH SERVE OTHER AREAS OF THE HOSPITAL AND WHICH CREATE TRAFFIC UNNECESSARY TO THE FUNCTIONS OF THE NURSING UNIT.~~

~~(2) LOCATION.~~

~~(a) EACH NURSING UNIT LOCATED TO AVOID THROUGH TRAFFIC TO ANY SERVICE, DIAGNOSTIC, TREATMENT, OR ADMINISTRATIVE AREA. INTENSIVE CARE UNITS, AND PSYCHIATRIC NURSING UNITS IN A LOCATION WITH NO THROUGH TRAFFIC TO ANY OTHER AREA OF THE HOSPITAL. For nursery or neonatal intensive care unit, refer to WAC 248-18-224 and 248-18-637.~~

~~(b) ALL ROOMS AND AREAS WITHIN A NURSING UNIT ON THE SAME FLOOR.~~

~~(c) Nursing units placed on quiet side of site and separated from service and ambulance courts. Convenient relationships to surgery and obstetrical delivery suites, adjunct diagnostic and treatment facilities and service areas.~~

~~(d) Location and relationship of nursing units in hospital to provide for flexible overlap of postpartum rooms with surgical rooms.~~

~~(3) CAPACITY.~~

~~(a) Bed capacity of a nursing unit, twenty to thirty five beds, except where necessary to provide separation of units, such as units for special care.²⁴~~

~~(b) Additional service facilities may be required in units of more than thirty five beds.²⁴~~

~~(4) SEPARATION OF CLINICAL SERVICES.²⁴ Suitable combinations of ancillary administrative and service facilities between or among units may be permitted.²⁴~~

~~(a) BEDS FOR POSTPARTUM PATIENTS GROUPED TOGETHER AND LOCATED TO AVOID INTERMIXING WITH BEDS FOR OTHER TYPES OF PATIENTS.~~

~~(b) ROOMS WITH PEDIATRIC BEDS LOCATED TOGETHER OR IN CLOSE PROXIMITY TO EACH OTHER.²⁴ Refer to WAC 248-18-541.~~

~~(c) WHEN A SEPARATE PSYCHIATRIC UNIT IS PLANNED, WAC 248-18-534 APPLIES. WHEN TEN OR MORE PSYCHIATRIC BEDS ARE PLANNED, A PSYCHIATRIC UNIT SHALL BE PROVIDED. Refer to WAC 248-18-534.~~

~~(d) SEGREGATED INTENSIVE CARE PATIENT BEDS.²⁴ SEPARATE INTENSIVE CARE NURSING UNIT WHERE FIVE OR MORE BEDS ARE PLANNED. Refer to WAC 248-18-555.~~

~~(e) SEPARATE NURSING HOME OR LONG TERM CARE UNIT WHERE TEN OR MORE BEDS ARE PLANNED FOR NURSING HOME OR LONG TERM CARE PATIENTS.~~

~~(5) SPECIAL DESIGN FEATURES OF SPECIALIZED FACILITIES.~~

~~(a) Facilities for psychiatric patients. Refer to WAC 248-18-530 (6)(e) and 248-18-534.~~

~~(b) Facilities for pediatric patients. Refer to WAC 248-18-530 (6)(d) and 248-18-541.~~

~~(c) Facilities for intensive care. Refer to WAC 248-18-555. Relites between corridors and rooms.~~

~~(6) PATIENT ROOM.~~

~~(a) DIRECTLY ACCESSIBLE FROM CORRIDOR OF NURSING UNIT. LOCATED TO PREVENT TRAFFIC THROUGH ROOMS AND TO MINIMIZE ENTRANCE OF ODORS, NOISE, AND OTHER NUISANCES.~~

~~(b) ISOLATION ROOM(S), ONE OR MORE PER HOSPITAL, FOR AIRBORNE COMMUNICABLE DISEASE WITH ADJOINING TOILET, BEDPAN FLUSHING EQUIPMENT, AND BATHING FACILITY. LAVATORY LOCATED IN ROOM AT ENTRY. AIR CHANGES AND AIR PRESSURE GRADIENTS AS DESCRIBED IN WAC 248-18-719 TABLE 719-3. ULTRAVIOLET GENERATOR IRRADIATION IN ROOMS DESIGNATED FOR ISOLATION OF TUBERCULOSIS PATIENTS AS DESCRIBED IN WAC 248-18-245 (1)(a)(iii).⁶⁻²⁴ Mirror, shelf, and towel bar or hook not required if provided with lavatory in adjoining toilet room.~~

~~(c) Rooms for disturbed medical or psychiatric patients. At least one seclusion or security room with adjoining toilet for the care of seriously disturbed patients on an appropriate nursing unit or near emergency rooms unless a separate psychiatric unit is provided, as described in WAC 248-18-534.~~

~~(d) CAPACITY AND AREA.~~

~~(i) MAXIMUM CAPACITY OF FOUR BEDS PER PATIENT ROOM. Maximum patient room capacity of two beds recommended. At least twenty five percent of beds in one bed rooms.~~

~~(ii) AT LEAST EIGHTY SQUARE FEET USABLE FLOOR SPACE PER BED IN MULTIBED ROOMS. One hundred square feet of usable floor space per bed in multibed rooms recommended.~~

~~(iii) AT LEAST ONE HUNDRED SQUARE FEET USABLE FLOOR SPACE IN ONE BED ROOMS. One hundred twenty five square feet usable floor space in one bed rooms recommended.~~

~~(iv) AT LEAST FORTY SQUARE FEET PER BASSINET IN PATIENT ROOM FOR INFANT PEDIATRIC PATIENTS. ADULT REQUIREMENTS APPLY TO ROOMS FOR YOUTH CRIBS AND BEDS. Refer to WAC 248-18-541.~~

~~(e) DIMENSIONS.~~

~~(i) MINIMUM WIDTH OF ELEVEN FEET FOR MULTIBED ROOMS. Minimum recommended dimensions of twelve feet by sixteen feet for two bed rooms.~~

~~(ii) MULTIBED ROOMS ARRANGED TO ALLOW SPACING OF BEDS AT LEAST TWO FEET FROM WALL (EXCEPT AT HEAD) AND AT LEAST THREE FEET APART. CLEARANCE AT LEAST THREE FEET EIGHT INCHES AT FOOT OF BED to permit passage of large equipment and beds.~~

~~(f) EQUIPMENT.~~

~~(i) LAVATORY IN EACH ROOM EXCEPT OPTIONAL IN PSYCHIATRIC PATIENT ROOMS OR SINGLE PATIENT ROOMS HAVING A SEPARATE ADJOINING TOILET ROOM WHICH SERVES SINGLE ROOM ONLY AND CONTAINS A LAVATORY.~~

~~(ii) CUBICLE CURTAIN TRACKS OR RAILS TO PROVIDE COMPLETE SCREENING OF EACH BED OR AN EQUIVALENT MEANS FOR PROVIDING PRIVACY FOR EACH PATIENT IN ALL MULTIBED PATIENT ROOMS EXCEPT PSYCHIATRIC. Refer to WAC 248-18-~~

~~534. TRACKS OR EQUIVALENT SCREENING SHALL PROVIDE ACCESS TO TOILET, LAVATORY, WARDROBE, AND ENTRY WITHOUT INTERFERENCE WITH PRIVACY OF OTHER PATIENTS.~~

~~(iii) WARDROBE, CLOSET OR LOCKER PER BED FOR HANGING FULL LENGTH GARMENTS AND STORAGE OF PERSONAL EFFECTS, extra pillows, and other equipment.⁶~~

~~(iv) SEPARATE OXYGEN OUTLET LOCATED AT HEAD OF EACH BED. (See exception for psychiatric unit WAC 248-18-534 (4)(e)). Alcoholism units may be excepted.~~

~~(v) SEPARATE SUCTION OR VACUUM OUTLET LOCATED AT HEAD OF EACH BED. (See exception for psychiatric unit WAC 248-18-534 (4)(e)). Alcoholism units may be excepted.~~

~~(vi) NURSE CALL SYSTEM. Refer to WAC 248-18-719, Table 719-6.~~

~~(g) DOORS AND WINDOWS. Refer to WAC 248-18-719(1), Table 719-1.~~

~~(h) ELECTRICAL REQUIREMENTS. Refer to WAC 248-18-719(4), Table 719-5.~~

~~(7) PATIENT TOILET.~~

~~(a) TOILET EQUIPPED WITH BEDPAN FLUSHING EQUIPMENT ADJOINING EACH PATIENT ROOM. Exceptions: Refer to WAC 248-18-534 PSYCHIATRIC NURSING UNIT, WAC 248-18-541 PEDIATRIC NURSING UNIT, WAC 248-18-555 INTENSIVE CARE.~~

~~(b) WATER CLOSETS IN RATIO OF AT LEAST ONE PER FOUR BEDS OR MAJOR FRACTION THEREOF ON EACH NURSING UNIT. For alteration projects, ratio of one per six acceptable.~~

~~(c) AT LEAST ONE TOILET, DESIGNED AND ARRANGED FOR USE BY INDIVIDUALS IN WHEELCHAIRS, OPENING DIRECTLY FROM A MAIN CORRIDOR ON EACH FLOOR. For use by patients, public, and staff. May be used by either sex.~~

~~(8) PATIENT BATHING FACILITIES.~~

~~(a) SHOWERS OR TUBS IN THE RATIO OF AT LEAST ONE BATHING FACILITY PER EIGHT BEDS OR MAJOR FRACTION THEREOF ON EACH NURSING UNIT.²⁴ BEDS HAVING A BATHING FACILITY ADJOINING THE PATIENT ROOM SHALL BE EXCLUDED FROM THE RATIO. For alteration projects, one bathing facility per twelve beds or major fraction thereof may be acceptable.~~

~~(b) AT LEAST ONE COMMUNAL BATHING FACILITY ON EACH FLOOR TO BE AN "ISLAND" TUB (ACCESSIBLE ON TWO SIDES AND ONE END), OR ROLL IN SHOWER OR EQUIVALENT, (shower in which a chair on wheels may be used). SPACE PROVIDED FOR WHEELCHAIR WITH ASSISTING ATTENDANT. Elevation of island tub on pedestal not recommended.~~

~~(c) PROPERLY LOCATED GRAB BARS AT EACH BATHTUB, SHOWER, AND WATER CLOSET FOR PATIENT USE. Refer to WAC 248-18-719(6).~~

~~(9) MISCELLANEOUS FACILITIES AND EQUIPMENT.~~

~~(a) NURSES' STATION OR EQUIVALENT.²⁴~~

~~(i) STATION FOR EACH NURSING UNIT OR SHARED WITH ADJACENT UNIT.²⁴~~

~~(ii) EQUIPMENT.²⁴~~

~~CHARTING SURFACE.⁶~~

~~STORAGE FOR PATIENT CHARTS.⁶⁻²⁴~~

~~TELEPHONE.~~

~~NURSE CALL ANNUNCIATOR.~~

~~Storage for charting supplies.~~

~~Clock.~~

~~(b) UTILITY OR MATERIALS ROOM.⁷ May be shared if adequate size and convenient to units served.²⁴~~

~~(i) AT LEAST ONE CLEAN UTILITY ROOM OR A CLEAN MATERIALS ROOM ON EACH NURSING UNIT. Refer to WAC 248-18-711 (3) or (4).~~

~~(ii) AT LEAST ONE SOILED UTILITY ROOM OR A SOILED MATERIALS ROOM ON EACH NURSING UNIT. Refer to WAC 248-18-711 (8) or (9).~~

~~(c) MEDICINE DISTRIBUTION FACILITIES.⁷ AT LEAST ONE ON EACH NURSING UNIT OR SHARED WITH ADJACENT UNIT(S).²⁴ Convenient to beds served.~~

~~(d) LINEN STORAGE.¹⁸ IN CLEAN AREA ON EACH NURSING UNIT (SHELVING, CART, OR EQUIVALENT). OR SHARED WITH OTHER UNIT(S), if adequate size and convenient to units.~~

~~(e) ICE FACILITIES.~~

~~(i) ON OR ADJACENT TO EACH NURSING UNIT. LOCATED IN AREA SERVING CLEAN FUNCTIONS ONLY, EXCEPT SELF DISPENSING ICE MACHINES may be in alcove on corridor.~~

~~(ii) EQUIPMENT: May be combined with nourishment facilities.~~

~~WORK COUNTER.⁶~~

~~ICE MACHINE OR ADEQUATE STORAGE UNIT. (Self dispensing types recommended.)~~

~~(f) DRINKING FACILITIES ACCESSIBLE IN PUBLIC AREA ON EACH FLOOR TO PROVIDE WATER: (Fountain, disposable drinking cups or equivalent dispensing system accessible to individuals using wheelchairs).~~

~~(g) NOURISHMENT FACILITIES.~~

~~(i) ON OR ADJACENT TO EACH NURSING UNIT. SEPARATE AREA IN ROOM SERVING CLEAN FUNCTIONS ONLY; SEPARATE ROOM IF FACILITIES TO BE USED FOR DISHWASHING OR DECENTRALIZED FOOD SERVICE.~~

~~(ii) SPACE FOR WASTE CONTAINER.~~

~~(iii) EQUIPMENT:~~

~~REFRIGERATOR.⁶~~

~~WORK COUNTER.⁶~~

~~SINK OR LAVATORY.~~

~~STORAGE FOR UTENSILS AND FOODSTUFFS.⁶~~

~~Cooking unit.⁶~~

~~DISHWASHING MACHINE (OR THREE COMPARTMENT SINK) IF DISHES, GLASSES OR PITCHERS ARE TO BE WASHED ON THE UNIT.~~

~~(iv) ADDITIONAL FACILITIES MAY BE REQUIRED DEPENDING UPON DEGREE OF DECENTRALIZATION OF FOOD SERVICE. Refer to chapter 248-84 WAC.~~

~~(h) EQUIPMENT STORAGE.¹⁸ ON OR ADJACENT TO EACH NURSING UNIT. FOR NURSING AND MEDICAL EQUIPMENT. Centralized equipment storage area may be acceptable.²⁴~~

~~(i) WHEELCHAIR AND STRETCHER STORAGE ON OR ADJACENT TO EACH NURSING UNIT.¹⁸~~

~~(j) HOUSEKEEPING FACILITIES.⁵ ON OR ADJACENT TO EACH NURSING UNIT.~~

~~(k) PERSONNEL FACILITIES.~~~~(i) TOILET ON OR ADJACENT TO EACH NURSING UNIT.~~~~(ii) STORAGE FOR PURSES AND PERSONAL EFFECTS APART FROM STORAGE FOR PATIENT CARE SUPPLIES AND EQUIPMENT ON OR ADJACENT TO EACH NURSING UNIT.~~~~(i) Treatment and examination room.²⁴ REQUIRED FOR HOSPITALS WITH PSYCHIATRIC AND PEDIATRIC UNITS. Refer to WAC 248-18-534 (8)(e), 248-18-541.~~~~(i) MINIMUM DIMENSION, EIGHT FEET, AT LEAST EIGHTY SQUARE FEET EXCLUSIVE OF CABINETS, SINK, WORK COUNTER, DESK AND VESTIBULE.~~~~(ii) EQUIPMENT:~~~~EMERGENCY SIGNAL DEVICE.~~~~LAVATORY OR SINK.~~~~Clock.~~~~Oxygen outlet.~~~~Suction outlet.~~~~WORK SURFACE.⁶~~~~STORAGE CABINET.⁶~~~~(m) Patient activity areas.²⁴ Optional except where mandated in this section.~~~~(i) Adequate facilities to accommodate the maximum number of patients to be cared for.~~~~(ii) PLAYROOM OR AREA FOR PEDIATRIC PATIENTS. Refer to WAC 248-18-541.~~~~(iii) DAYROOM WITH WINDOWS OR SOLARIUM ON PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG TERM CARE UNITS. Refer to WAC 248-18-534.~~~~(iv) RECREATION ROOM ON PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG TERM CARE UNITS.²⁴ Refer to WAC 248-18-534.~~~~(v) DINING AREA ON OR AVAILABLE TO PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG TERM CARE UNITS.²⁴ Refer to WAC 248-18-534.~~~~(vi) OCCUPATIONAL THERAPY AREA ON OR AVAILABLE TO PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG TERM CARE UNITS.²⁴ Refer to WAC 248-18-534.~~~~(vii) Above areas may be combined in one room.²⁴~~~~(viii) Suitable outdoor recreational space for patients on nursing home or long term care units and psychiatric units. Refer to WAC 248-18-534.~~~~(ix) Barber and beauty shop facilities available for psychiatric and nursing home or long term care units. Refer to WAC 248-18-534.~~~~(n) Patient laundry facilities.²⁴~~~~(i) REQUIRED ON PSYCHIATRIC UNITS. Refer to WAC 248-18-534. Recommended on nursing home or long term care units.²⁴~~~~(ii) EQUIPMENT:~~~~SINK AND COUNTER.⁶~~~~Drying facilities.^{6, 24}~~~~STORAGE CABINET.⁶~~~~Ironing facilities.^{6, 24}~~~~(o) Interview room. REQUIRED ON OR ACCESSIBLE TO PSYCHIATRIC UNITS. Refer to WAC 248-18-534. Recommended on nursing home or long term care units. May be combined with private office.~~~~(p) Patient classroom. Recommended availability for obstetric, psychiatric, and pediatric units and other units where group instruction to patients may be given. Refer to WAC 248-18-541.~~~~(q) OFFICE FOR HEAD NURSE OR NURSING SUPERVISOR ON OR CONVENIENT TO UNITS OF TWENTY BEDS OR MORE.²⁴ AT LEAST ONE NURSING OFFICE PER HOSPITAL.~~~~(r) CONFERENCE ROOM FOR CONFIDENTIAL STAFF COMMUNICATION.²⁴ Combined with rooms for other nursing functions as appropriate.~~~~(s) AT LEAST ONE WAITING ROOM OR AREA PER FLOOR.²⁴~~

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.⁶May be movable equipment.⁷See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711.¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.²⁴In accordance with program.)) Hospitals planning new construction of nursing units shall:(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;(2) Provide support facilities on or adjacent to each unit meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and WAC 246-318-550(10) nourishment services;(3) Locate each nursing unit to avoid through traffic to any service, diagnostic, treatment, or administrative area;(4) Provide each nursing unit with:(a) All rooms and areas of the unit on the same floor;(b) Separate areas for each of the following clinical services:(i) Beds for postpartum patients grouped together and located to avoid intermixing with beds for other types of patients;(ii) When a separate pediatric unit is planned or when rooms with pediatric beds are located together or in close proximity to each other, in accordance with program and WAC 246-318-700 (4)(a), (b), (c);(iii) When a separate psychiatric unit is planned, or when ten or more psychiatric beds are planned, a psychiatric unit shall be provided in accordance with WAC 246-318-820;(iv) Segregated critical care patient beds where five or more beds are planned in accordance with WAC 246-318-740; and(v) A separate long-term care unit where ten or more beds are planned in accordance with WAC 246-318-870;(5) Provide the following on or adjacent to each unit:
(a) Ice facilities including:(i) Bulk ice dispensing located in a clean room equipped with a fixed or mobile work surface; or

- (ii) A self dispensing ice machine;
- (b) One main nursing support station including:
 - (i) A writing surface;
 - (ii) Storage for patient charts;
 - (iii) A telephone; and
 - (iv) A nurse call annunciator;
- (c) An office for the head nurse or nursing supervisor for units of twenty beds or more;
- (d) Staff facilities meeting accessibility requirements in WAC 51-20-3100, including:
 - (i) A toilet with handwash sink; and
 - (ii) Storage for personal effects, apart from storage for patient care supplies and equipment;
 - (e) A room for confidential communication; and
 - (f) A waiting room or area, convenient to the unit;
 - (6) Provide the following on each unit:
 - (a) Patient rooms located:
 - (i) To prevent traffic through rooms;
 - (ii) To minimize entrance of odors, noise, and other nuisances; and
 - (iii) With direct access from corridor of nursing unit;
 - (b) Patient rooms designed with:
 - (i) A maximum capacity of four beds per room;
 - (ii) At least eighty square feet usable floor space per bed in multibed rooms;
 - (iii) At least one hundred square feet usable floor space in single-bed rooms;
 - (iv) Minimum width of eleven feet for multibed rooms;
 - (v) Beds arranged in multibed rooms with at least:
 - (A) Two feet from wall, except at head;
 - (B) Three feet apart; and
 - (C) Three feet eight inches clearance at foot of bed;
 - (vi) Handwash sink in each room or in adjoining private toilet for single patient rooms, optional in psychiatric patient rooms;
 - (vii) Cubicle curtains or equivalent to provide patient privacy in all multibed patient rooms arranged to provide patient access to toilet, handwash sink, wardrobe, and entry without interference to privacy of other patients; and
 - (viii) One full-length wardrobe, closet, or locker per bed for storage of personal effects;
 - (c) Patient bathing facilities including showers or tubs in the ratio of one bathing facility per eight beds or major fraction thereof. Beds having a bathing facility adjoining the patient room shall be excluded from the ratio;
 - (d) Patient toilets with bedpan flushing equipment adjoining each patient room; and
 - (e) Water closets in ratio of one per four beds or major fraction thereof;
 - (7) Provide at least one isolation room for airborne communicable disease within hospital with:
 - (a) Adjoining toilet, bedpan flushing equipment, and bathing facility;
 - (b) Handwash sink located in room near entry;
 - (c) Air changes and air pressure gradients in accordance with WAC 246-318-540 Table 540-3 and WAC 246-318-035 (4)(a)(i);
 - (d) Ultraviolet generator irradiation in rooms designated for isolation of tuberculosis patients in accordance with WAC 246-318-035 (4)(a)(ii); and
 - (e) Uncarpeted floors.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-700 Pediatric nursing unit. Hospitals planning new construction of a pediatric unit shall:

- (1) Locate the pediatric unit to prevent unnecessary traffic through the service area;
- (2) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage (~~under WAC 248-18-719~~) in WAC 246-318-540;
 - (3) (~~Meet general requirements for certain service facilities under WAC 248-18-711 as follows:~~
 - (a) ~~Locate for convenient use of staff;~~
 - (b) ~~May be shared with other service areas when service is limited to sixteen patient beds or less in a combined use area;~~
 - (e) ~~Provide clean utility or materials room;~~
 - (d) ~~Provide housekeeping room;~~
 - (e) ~~Provide medication distribution facilities;~~
 - (f) ~~Provide soiled utility or materials room; and~~
 - (g) ~~Provide storage room.~~) Provide support facilities located for convenient use by staff meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and WAC 246-318-550(10) nourishment facilities. Support facilities may be shared with other service areas when service is limited to sixteen patient beds or less in a combined-use area;
 - (4) Design the pediatric unit to (~~accommodate WAC 248-18-216 and meet the requirements under WAC 248-18-530 (6), (7), and (8).)~~ meet requirements in WAC 246-318-210 and 246-318-690(6) except as follows:
 - (a) Patient rooms (~~with~~) shall have fifty square feet usable floor space per bassinets;
 - (b) Adjoining patient toilets may be omitted from bassinets rooms;
 - (c) Ratios of bathing facilities to beds may exclude cribs and bassinets; and
 - (d) At least one isolation room shall be located in the pediatric area meeting requirements in WAC 246-318-690(7).
 - (5) (~~Meet the requirements under WAC 248-18-530(9) for:~~) Provide a pediatric nursing unit with:
 - (a) (~~Nurses~~) Nursing support station or equivalent meeting requirements in WAC 246-318-690 (5)(b);
 - (b) Ice facilities meeting requirements in WAC 246-318-690 (5)(a);
 - (c) Drinking (~~facilities~~) fountain or equivalent;
 - (d) (~~Nourishment facilities~~) Staff facilities meeting requirements in WAC 246-318-690 (5)(d);
 - (e) (~~Personnel facilities~~) Storage; and
 - (f) Treatment and examination room with minimum dimension of eight feet and at least eighty square feet exclusive of cabinets, sink, work counter desk, and vestibule, including:
 - (i) Handwash sink;
 - (ii) Work surface; and

(iii) Storage.

- (6) Provide parents' waiting room with education facilities; and
- (7) Provide multipurpose room with:
- Space for playing and dining;
 - Separate activity area for adolescents; and
 - Construction minimizing sound transmission.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-710 Emergency ((department) facilities. ((Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS SEE WAC 248-18-515.) REQUIRED IF HOSPITAL WILL OFFER EMERGENCY CARE SERVICES REGULARLY.

- (1) EMERGENCY DEPARTMENT GENERAL.⁸
- ON SAME FLOOR AS EMERGENCY PATIENTS' ENTRANCE.
 - LOCATED FOR READY ACCESS FROM EMERGENCY PATIENT ENTRANCE.
 - SEPARATE FROM SURGERY SUITE AND DELIVERY SUITE.
 - LOCATED SO EMERGENCY TRAFFIC THROUGH INPATIENT AREAS WILL BE AVOIDED.
 - Close to radiology department.
 - NUMBERS, TYPES, AND EQUIPMENT OF ROOMS TO BE PREDICATED UPON THE SCOPE AND TYPES OF SERVICES TO BE OFFERED, AND THE ANTICIPATED PATIENT LOAD.
 - CUBICLE CURTAINS OR AN EQUIVALENT MEANS FOR PROVIDING COMPLETE PRIVACY SCREENING FOR EACH EXAMINATION OR TREATMENT TABLE (OR CART) AND PATIENT BED IN EXAMINATION, TREATMENT, OR OBSERVATION ROOMS.
 - AN EMERGENCY AUDIO ALARM SYSTEM WITH AN EMERGENCY ALARM SIGNAL DEVICE IN EACH TREATMENT, EXAMINATION, AND OBSERVATION ROOM. EMERGENCY AUDIO ALARM TO BE DISTINCT AND DIFFERENT FROM OTHER AUDIO SIGNALS AND ALARM SYSTEMS IN HOSPITAL. EMERGENCY AUDIO ALARM SYSTEM TO SOUND ALARM CALL INTO AN AREA OF HOSPITAL WHERE NURSING PERSONNEL ARE ON DUTY AT ALL TIMES. IN MULTIRoom EMERGENCY DEPARTMENT, EMERGENCY ALARM SYSTEM ALSO TO ACTIVATE A DISTINCT VISUAL SIGNAL AT DOOR OF ROOM FROM WHICH ALARM IS SOUNDED SO PERSONS RESPONDING TO AUDIO ALARM CAN IMMEDIATELY IDENTIFY ROOM WHERE ASSISTANCE IS NEEDED.
 - STRETCHER AND WHEELCHAIR STORAGE. ADJACENT TO EMERGENCY DEPARTMENT ENTRANCE.
 - RECEIVING AND TRIAGE AREA.
 - ADJACENT TO EMERGENCY ENTRANCE.
 - ADJACENT TO TREATMENT ROOMS.
 - Sufficient space for triage in event of mass casualties.
 - REGISTRATION AREA.

~~(a) OFFICE FACILITIES OR DESK SPACE FOR REGISTRATION LOCATED TO CONTROL ACCESS TO AREAS OF THE EMERGENCY DEPARTMENT WHERE EXAMINATION, TREATMENT, AND OBSERVATION ROOMS ARE LOCATED.~~

- ~~(b) CONVENIENT TO WAITING AREA.~~
- ~~(5) WAITING AREA.~~
- ~~(a) OUTSIDE AREA OF MAIN TRAFFIC FLOW IN EMERGENCY DEPARTMENT.~~
- ~~(b) May be combined with other waiting area in close proximity to emergency department.~~

~~(6) PUBLIC TOILETS.~~

~~Other public toilets may serve if close and easily accessible from the emergency department.~~

~~(7) Police, press, and ambulance attendants' room or rooms.~~

~~(a) OUTSIDE AREA OF MAIN TRAFFIC FLOW IN EMERGENCY DEPARTMENT.~~

- ~~(b) Equipped with desk and telephone.~~
- ~~(8) MAJOR EMERGENCY TREATMENT ROOM OR ROOMS.~~

~~(a) Number of rooms dependent upon anticipated volume of emergency services.~~

~~(b) AT LEAST ONE, MAJOR EMERGENCY TREATMENT ROOM.~~

~~(c) DIMENSIONS AND ARRANGEMENT OF EACH EMERGENCY TREATMENT ROOM TO PROVIDE A CLEAR SPACE AT LEAST FOUR FEET WIDE BETWEEN BOTH SIDES AND BOTH ENDS OF EACH TREATMENT TABLE (OR CART) AND ANY FIXED EQUIPMENT (CABINETS, SINKS, ETC.) OR MAJOR MOVABLE EQUIPMENT KEPT IN THE ROOM. PROVIDED HOWEVER, THE CLEAR SPACE BETWEEN TREATMENT TABLES (OR CARTS) SHALL BE AT LEAST EIGHT FEET WIDE. THE FLOOR SPACE ALLOWED FOR A TREATMENT TABLE SHALL BE AT LEAST EIGHTY INCHES BY THIRTY INCHES.~~

~~(d) Major emergency treatment room designed and equipped to accommodate at least two treatment tables if emergency department has only one major treatment room.~~

~~(e) EQUIPMENT:~~

~~STORAGE FOR CLEAN AND STERILE SUPPLIES, SMALL EQUIPMENT, AND DRUGS.^{6, 18}~~

~~CLEAN WORK COUNTER FOR ASSEMBLY AND PREPARATION OF CLEAN AND STERILE SUPPLIES AND EQUIPMENT FOR USE.⁶~~

~~SINK (MOUNTED IN, INTEGRAL WITH, OR ADJACENT TO CLEAN WORK COUNTER).~~

~~SCRUB SINK EIGHT FEET APART OR PHYSICAL BARRIER SEPARATING FROM CLEAN WORK COUNTER AND STORAGE FOR CLEAN AND STERILE SUPPLIES AND EQUIPMENT AND DRUGS. Not required if a scrub sink is located outside but adjacent to emergency treatment room.~~

~~DETERGENT DISPENSER.⁶~~

~~SOILED WORK COUNTER FOR COLLECTION OF CONTAMINATED SUPPLIES AND EQUIPMENT.⁶~~

~~SINK WITH PLASTER TRAP Not required if separate fracture room provided. Suitable combination with other sink in emergency department permitted.~~

~~TREATMENT LIGHT.⁶~~

~~SUCTION OUTLET.~~

OXYGEN OUTLET.

FILM ILLUMINATORS.⁶

OUTLET FOR PORTABLE X RAY MACHINE.

CLOCK—WITH SWEEP SECOND HAND and interval timer.

SPACE FOR MAJOR MEDICAL EQUIPMENT TO BE KEPT IN ROOM.

SPACE FOR LINEN HAMPERS AND TRASH CONTAINERS.

(9) Minor treatment and examination room or rooms.

(a) At least one minor treatment and examination room.

(b) DIMENSIONS AND ARRANGEMENT OF EXAMINATION ROOM OR ROOMS TO PROVIDE AT LEAST EIGHTY NET SQUARE FEET OF FLOOR SPACE, EXCLUSIVE OF SPACE FOR LAVATORY, CABINETS, WORK COUNTER, WARDROBE, DESK, OR VESTIBULE. CONFIGURATION OF THIS NET FLOOR SPACE TO ALLOW FOR PLACEMENT OF A SIX FEET BY TWO FEET EXAMINATION TABLE WITH AT LEAST THREE FEET WIDE CLEAR SPACE ON EACH SIDE OF THE TABLE AND FOUR FEET WIDE CLEAR SPACE AT THE FOOT END OF THE TABLE.

(c) EQUIPMENT:

LAVATORY.

WORK COUNTER.⁶

STORAGE FOR SUPPLIES AND EQUIPMENT.⁶⁻¹⁸

SUCTION OUTLET.

OXYGEN OUTLET.

EXAMINATION LIGHT.⁶

(10) Observation room or rooms.

(a) NEAR TO NURSES' STATION OR OTHER CONTROL STATION TO PERMIT CLOSE OBSERVATION OF PATIENTS.

(b) AT LEAST ONE HUNDRED TWENTY-FIVE SQUARE FEET IN ONE BED ROOM.

(c) MINIMUM DIMENSION OF TEN FEET FOR ONE BED ROOM.

(d) EACH MULTIPLE-BED ROOM DESIGNED TO PROVIDE AT LEAST FOUR FEET WIDE SPACE BETWEEN SIDE OF EACH BED (OR CART) AND ANY WALL, OTHER BED, OR FIXED EQUIPMENT (e.g., CABINET, SINK, CLOSET), AND AT LEAST FIVE FEET WIDE SPACE BETWEEN FOOT END OF ANY BED AND ANY WALL OR FIXED EQUIPMENT.

(e) ROOM DETAILS, DOORS, HARDWARE, WINDOWS, AND SCREENS IN ANY ROOM FOR SEVERELY DISTURBED PERSON TO PROVIDE FOR PATIENT SAFETY IN AN UNOBTRUSIVE MANNER.

(f) EQUIPMENT:

LAVATORY IN EACH ROOM.

A NURSE CALL SIGNAL DEVICE AT EVERY PATIENT BED.

OXYGEN OUTLET FOR EACH BED (OR CART).

SUCTION OUTLET FOR EACH BED (OR CART).

CLOSET OR LOCKER PER EACH BED FOR PATIENT CLOTHING. May be in or adjacent to observation room or rooms.

SEPARATE STORAGE PER BED FOR EXTRA PILLOWS AND BLANKETS. May be combined with closet or locker.

(11) PATIENT TOILET OR TOILETS.

(a) CONVENIENT TO EXAMINATION AND TREATMENT ROOMS.

(b) TOILET OR TOILETS LOCATED SO PATIENTS IN EVERY OBSERVATION ROOM HAVE ACCESS TO A TOILET WITHOUT ENTERING A PUBLIC CORRIDOR.

(c) AT LEAST ONE COMMUNAL PATIENT TOILET DESIGNED AND ARRANGED TO ACCOMMODATE A PATIENT IN A WHEELCHAIR.

(d) GRAB BARS AT EACH PATIENT TOILET.

(12) MEDICINE AREA.⁷

(13) UTILITY ROOMS.⁷

(14) DESK SPACE FOR NURSES AND PHYSICIANS.

May be combined with office facilities in reception, triage, and registration area.

(15) EQUIPMENT STORAGE.

(a) STORAGE FOR MOBILE CART WITH EMERGENCY MEDICAL SUPPLIES AND EQUIPMENT (CRASH CART) IN A CLEAN AREA READILY ACCESSIBLE FROM ALL ROOMS USED FOR PATIENT CARE OR TREATMENT.

(b) Storage area for portable x ray equipment.

REQUIRED IF PORTABLE X RAY EQUIPMENT TO BE STORED IN EMERGENCY DEPARTMENT.

(c) STORAGE FOR OTHER MAJOR PORTABLE OR MOBILE EQUIPMENT.

(16) HOUSEKEEPING FACILITIES.⁸

Suitable combination with other housekeeping facilities permitted if convenient to emergency department.

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

⁷See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711.

⁸Where combustible anesthetic is to be used, see FLOOR FINISHES, WAC 248-18-719(5); VENTILATION, WAC 248-18-719(2); and ELECTRICAL SYSTEMS, WAC 248-18-719(4).

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.)) Hospitals planning new construction of emergency facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(5) clean-up room; WAC 246-318-550(6) housekeeping supply room; and WAC 246-318-550(7) medication distribution facility and provide storage for:

(a) Stretcher and wheelchair adjacent to emergency facility entrance;

(b) Mobile cart with emergency medical supplies and equipment, in a clean area, readily accessible from all rooms used for patient care or treatment;

(c) Portable x-ray equipment, if stored in emergency facility; and

(d) Other major portable or mobile equipment;

(3) Locate emergency patient entrance to emergency facilities including:

(a) Ready access at grade level to pedestrian, ambulance, and other vehicular traffic;

(b) Port-size to accommodate at least one vehicle twenty-two feet long, eleven feet high and eight feet wide designed to:

(i) Permit attendants to stand on same level as entrance when removing a stretcher from vehicle; and

(ii) Accommodate different levels of approach with ramps for pedestrian traffic;

(c) Protection of emergency patient and the interior of the emergency facility from weather when a patient is brought from an ambulance or other vehicle into the emergency facility;

(4) Locate a separate, segregated emergency facility to:

(a) Prevent traffic through emergency facilities to any other area of hospital; and

(b) Facilitate transfer of patients to other hospital service areas;

(5) Provide emergency facilities with:

(a) Emergency receiving/triage area close or adjacent to emergency entrance, and convenient to treatment rooms including decontamination area with shower and floor drain; and

(b) Registration area including:

(i) Office space or work space for registration, located to control access to emergency facility patient care areas; and

(ii) A communication device;

(c) Waiting area and public telephone located outside the main traffic flow in emergency department;

(d) Police, press, and ambulance attendant room, if planned, located outside the main traffic flow of emergency department;

(e) Writing surface for nurses and physicians;

(f) Cubicle curtains or equivalent means for providing patient privacy in examination, treatment, or observation rooms;

(g) At least one patient toilet meeting accessibility requirements in WAC 51-20-3100, convenient to examination and treatment rooms and located so patients receiving treatment have access to a toilet without entering a public corridor;

(h) Sink with plaster trap; and

(i) Public toilet meeting accessibility requirements in WAC 51-20-3100;

(6) Provide at least one major treatment or trauma room with:

(a) Dimensions and arrangement to provide:

(i) Clear space at least four feet wide at both sides and both ends of each treatment table or cart; and

(ii) Clear eight feet wide space between treatment tables or carts;

(b) Storage for clean and sterile supplies and small equipment;

(c) Storage for drugs in accordance with WAC 246-318-550(7);

(d) Clean work surface for assembly and preparation of clean and sterile supplies and equipment for use;

(e) A sink mounted in, integral with, or adjacent to clean work surface;

(f) A scrub sink equipped with foot operated soap dispenser and brush dispenser or equivalent located as follows:

(i) Eight feet away from or with a physical barrier separating it from clean work surface, clean and sterile supply storage, equipment and drugs, if within the room; or

(ii) Outside and adjacent to the room;

(g) Soiled work surface for collection of contaminated supplies and equipment;

(h) Ceiling mounted treatment light for each treatment space;

(i) Film illuminator or equivalent;

(j) Outlet for mobile x-ray machine;

(k) Clock with sweep second hand or equivalent within view of each treatment space;

(l) Storage space for major medical equipment; and

(m) Space for linen hampers and waste containers;

(7) Provide minor treatment and examination room, if planned, with:

(a) Dimensions and arrangement to provide:

(i) Clear space at least three feet at each side and end of each treatment table or cart;

(ii) Clear six feet wide space between treatment tables or carts; and

(iii) At least six feet eight inches by two feet six inches of floor space per treatment table;

(b) Handwash sink;

(c) Clean work surface;

(d) Storage for supplies and equipment;

(e) Examination light;

(f) Readily accessible film illuminator or equivalent; and

(g) Space for linen hampers and waste containers convenient to all treatment rooms;

(8) Provide observation room, if planned, located convenient to nursing support station with:

(a) Minimum dimension of ten feet and at least one hundred square feet in one-bed rooms;

(b) Each multiple-bed room designed to provide:

(i) At least four feet wide space between side of each bed or cart and any wall, other bed, or fixed equipment (e.g., cabinet, sink, closet); and

(ii) At least four feet wide space between foot end of any bed and any wall or fixed equipment;

(c) Handwash sink in each room; and

(d) Storage for each patient's personal effects;

(9) Provide room for severely disturbed patients, if planned, with room details, doors, hardware, windows, and screens designed and constructed for patient safety.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-720 Surgery suite. (~~Optional. SHALL MEET REQUIREMENTS IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)~~)

(1) SURGERY SUITE, GENERAL:

(a) A SEPARATE SEGREGATED UNIT UNLESS SURGERY AND OBSTETRICAL DELIVERY FACILITIES ARE IN A COMBINED SUITE, IN ACCORD WITH WAC 248-18-601. TO INCLUDE OPERATING ROOMS AND ANCILLARY FACILITIES ESSENTIAL TO THE

~~PROPER FUNCTIONING OF THE OPERATING ROOMS. ANCILLARY FACILITIES TO BE LOCATED OUTSIDE OPERATING ROOMS AND, IF A COMBINED SUITE, OUTSIDE DELIVERY ROOMS.~~

~~(b) LOCATED TO PREVENT TRAFFIC THROUGH SURGERY SUITE TO ANY OTHER AREA OF THE HOSPITAL AND TO FACILITATE TRANSFER OF PATIENTS TO SURGICAL NURSING UNITS AND, IF A COMBINED SUITE, TO OBSTETRICAL NURSING UNIT.~~

~~(c) SUITE TO INCLUDE NO FACILITIES (such as central sterilizing and processing service facilities) SERVING OTHER AREAS OF THE HOSPITAL AND THEREBY CREATING TRAFFIC UNNECESSARY TO THE SURGICAL SUITE, EXCEPT AS PROVIDED FOR IN WAC 248-18-601 FOR COMBINED SURGERY/ OBSTETRICAL DELIVERY SUITE.~~

~~(d) NUMBER AND TYPES OF OPERATING ROOMS TO BE PREDICATED UPON THE TYPES OF SURGERY TO BE PERFORMED AND THE ANTICIPATED SURGERY CASELOAD.~~

~~(e) ARRANGED TO PREVENT TRAFFIC THROUGH AN OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM TO OTHER AREAS OF THE SUITE, EXCEPT DIRECTLY CONNECTING SUBSTERILIZING ROOM SERVING ONLY OPERATING ROOMS OR OBSTETRICAL DELIVERY ROOMS TO WHICH IT CONNECTS.~~

~~(f) ANY ROOMS IN THE SUITE PLANNED TO SERVE FOR OUTPATIENT SURGERY LOCATED SO PENETRATION OF THE SUITE BY THE PUBLIC IS LIMITED.~~

~~(g) CONDUCTIVITY METER WITHIN SUITE REQUIRED ONLY IF OPERATING ROOMS DESIGNED FOR USE OF FLAMMABLE ANESTHETICS.⁶~~

~~(h) MEDICAL EMERGENCY SIGNALING DEVICE—SEE WAC 248-18-719(4) and Table 719-6.~~

~~(2) MAJOR OPERATING ROOM.~~

~~(a) AT LEAST ONE MAJOR OPERATING ROOM.~~

~~(b) MINIMUM DIMENSION AT LEAST EIGHTEEN FEET.²⁴—Twenty feet or more recommended.~~

~~MINIMUM CLEAR AREA AT LEAST THREE HUNDRED SIXTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.²⁴~~

~~(c) EQUIPMENT:~~

~~(i) OVERHEAD SURGERY LIGHT.~~

~~(ii) TWO X RAY FILM ILLUMINATORS.⁶~~

~~(iii) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.~~

~~(iv) STORAGE FOR SURGICAL SUPPLIES.^{6, 18}~~

~~(v) TWO SUCTION OUTLETS.~~

~~(vi) TWO OXYGEN OUTLETS.~~

~~(vii) SEPARATE WASTE GAS EVACUATION SYSTEM.~~

~~(viii) Work surface.⁶~~

~~(ix) Medical gases and medical air.²⁴~~

~~(3) Minor operating room.~~

~~(a) All operating rooms should be designed as major operating rooms to achieve maximum flexibility in use. However, in large or specialty hospitals a large volume of minor surgery may make inclusion of minor operating rooms practical.~~

~~(b) MINIMUM DIMENSION AT LEAST FIFTEEN FEET.~~

~~MINIMUM CLEAR AREA AT LEAST TWO HUNDRED SEVENTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.~~

~~(c) EQUIPMENT:~~

~~(i) OVERHEAD SURGERY LIGHT OR EQUIVALENT.²⁴~~

~~(ii) TWO X RAY ILLUMINATORS.⁶~~

~~(iii) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.²⁴~~

~~(iv) STORAGE FOR SURGICAL SUPPLIES.^{6, 18}~~

~~(v) TWO SUCTION OUTLETS.~~

~~(vi) TWO OXYGEN OUTLETS.~~

~~(vii) SEPARATE WASTE GAS EVACUATION SYSTEM.~~

~~(viii) Work surface.⁶~~

~~(ix) Medical gases and medical air.²⁴~~

~~(4) Cystoscopy facilities.~~

~~(a) Cystoscopy operating room.~~

~~(i) May be in suitable location outside surgery suite.~~

~~(ii) MINIMUM DIMENSION AT LEAST FIFTEEN FEET.~~

~~MINIMUM CLEAR AREA OF TWO HUNDRED SEVENTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.²⁴~~

~~(iii) IF LOCATED OUTSIDE SURGERY SUITE, PROVIDE ONE SCRUB SINK OUTSIDE THE ENTRANCE AND FACILITIES FOR CLEANING AND STERILIZATION IN SOILED AND CLEAN UTILITY ROOMS.~~

~~(iv) EQUIPMENT:~~

~~(A) SURGERY LIGHT.²⁴~~

~~(B) TWO X RAY FILM ILLUMINATORS.⁶~~

~~(C) Work surface.⁶~~

~~(D) STORAGE FOR SURGICAL SUPPLIES.^{6, 18}~~

~~(E) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.²⁴~~

~~(F) X RAY UNIT⁶—preferably mounted on urological table.~~

~~(G) TWO OXYGEN OUTLETS.~~

~~(H) TWO SUCTION OUTLETS.~~

~~(I) Flushing rim type floor drain may be permitted; PROVIDED DRAIN SYSTEM IS SPECIFICALLY DESIGNED FOR EASY ACCESS FOR CLEANING DRAIN AND TRAP.~~

~~(J) SEPARATE WASTE GAS EVACUATION SYSTEM.~~

~~(b) Darkroom or equivalent.~~

~~(c) Adjoining toilet, wheelchair accessible, if outside surgery suite.~~

~~(5) SEPARATE PATIENT HOLDING AREA.²⁴~~

~~(a) May be omitted in hospitals with only one operating room.~~

~~(b) ROOM OR ALCOVE OUT OF TRAFFIC.~~

~~(c) LOCATED FOR DIRECT VISIBILITY OF EACH PATIENT.²⁴~~

~~(d) IF SURGICAL PREPS AND INDUCTIONS DONE, PROVIDE LAVATORY OR SINK, WORK COUNTERS, AND CUBICLE CURTAINS OR EQUIVALENT.~~

~~(e) OXYGEN AND SUCTION OUTLETS.~~

~~(f) MEDICAL EMERGENCY SIGNALLING DEVICE—SEE WAC 248-18-719(4) and Table 719-6.~~

~~(6) SCRUB UP AREA.~~

~~(a) ADJACENT TO EACH OPERATING ROOM.~~

~~(b) DIRECT ACCESS TO EACH OPERATING ROOM.~~

~~(c) EQUIPMENT:~~

~~(i) AT LEAST THREE SCRUB SINKS FOR EACH TWO OPERATING ROOMS, BUT IN NO CASE LESS THAN TWO SCRUB SINKS.~~

~~(ii) DETERGENT DISPENSER OR EQUIVALENT,⁶ FOOT CONTROL OR EQUIVALENT IF LIQUID DISPENSER.~~

~~(iii) BRUSH DISPENSER OR EQUIVALENT.²⁴~~

~~(iv) SHELF.~~

~~(v) TOWEL DISPENSER OR EQUIVALENT.²⁴~~

~~(vi) CLOCK WITHIN VIEW FROM SCRUB SINKS.~~

~~(7) CLEAN UP FACILITIES WITH A SINK WITH ACCESSIBLE PLASTER TRAP. Sink with plaster trap may be in other appropriate soiled area.¹⁰~~

~~(8) CLEAN WORKROOM.~~

~~(a) May be omitted if written program defines a supply and equipment system eliminating need for preparation and assembly within the suite.~~

~~(b) EQUIPMENT:~~

~~(i) Lavatory.~~

~~(ii) WORK COUNTERS OR TABLES OR EQUIVALENT.⁶~~

~~(iii) STORAGE FOR SUPPLIES AND SMALL EQUIPMENT.^{6, 18}~~

~~(9) STERILIZING FACILITIES.~~

~~(a) HIGH SPEED STERILIZERS WITH RECORDING THERMOMETERS AND AUTOMATIC CONTROLS OF SUFFICIENT CAPACITY TO ACCOMMODATE SUPPLIES AND EQUIPMENT TO BE STERILIZED IN SUITE.~~

~~(b) MINIMUM OF ONE STERILIZER¹¹ IN EACH SURGERY SUITE.~~

~~(c) IF PRACTICE OF STERILIZING UNWRAPPED SETS OF INSTRUMENTS IS TO BE FOLLOWED, A SUFFICIENT NUMBER OF STERILIZERS¹², ACCESSIBLE FOR MAINTENANCE, SHALL BE LOCATED TO PROVIDE DIRECT ACCESS TO EACH OPERATING ROOM AND OBSTETRICAL DELIVERY ROOM FROM A STERILIZING FACILITY.~~

~~(10) SOLUTION WARMER.^{6, 24}~~

~~(11) STORAGE FACILITIES.¹⁸~~

~~(a) CLEAN SUPPLY ROOM;~~

~~(b) INSTRUMENTS. May be located in clean supply room;~~

~~(c) DRUGS—SEE WAC 248-18-711(7). May be located in anesthesia work room or in clean supply room;~~

~~(d) LINEN.⁶ May be located in clean supply room;~~

~~(e) BLOOD REFRIGERATION unless satisfactory provision elsewhere;~~

~~(f) SOLUTIONS;~~

~~(g) STERILE SUPPLIES;~~

~~(h) LARGE AND SMALL EQUIPMENT;~~

~~(i) STRETCHERS. Space for one stretcher per operating room or delivery room;~~

~~(j) PORTABLE X-RAY unless suitable provision for storage elsewhere.~~

~~(12) ANESTHESIA STORAGE MACHINES AND CARTS¹² unless satisfactory provision elsewhere.~~

~~(13) Anesthesia workroom.~~

~~(a) IF CLEANING OF ANESTHESIA EQUIPMENT TO BE DONE, DESIGNED FOR SEPARATION OF SOILED AND CLEAN FUNCTIONS. Soiled room may be omitted if cleaning function to occur in clean up or decontamination room in central processing.~~

~~(b) CLEAN ROOM.~~

~~(i) WORK COUNTERS.⁶~~

~~(ii) STORAGE FOR ANESTHESIA SUPPLIES AND SMALL EQUIPMENT.⁶~~

~~(iii) SPACE FOR TESTING AND STORAGE OF ANESTHESIA MACHINES AND EQUIPMENT WITH ADEQUATE ELECTRICAL OUTLETS.²⁴~~

~~(iv) LAVATORY OR SINK FOR HANDWASHING.~~

~~(e) SOILED ROOM. May be omitted if cleaning to be done in clean up or decontamination room or soiled processing areas elsewhere in the hospital.~~

~~(i) WORK COUNTERS.~~

~~(ii) DOUBLE COMPARTMENT SINK.~~

~~(iii) STORAGE FOR CLEANING SUPPLIES AND EQUIPMENT.~~

~~(iv) Space for anesthesia carts.²⁴~~

~~(14) ADMINISTRATIVE FACILITIES.~~

~~(a) CONTROL STATION.²⁴~~

~~(i) LOCATED TO PERMIT COORDINATION OF FUNCTIONS AMONG OPERATING ROOMS and to permit visual surveillance of traffic entering suite.~~

~~(ii) TELEPHONE.~~

~~(iii) ANNUNCIATOR FOR EMERGENCY SIGNALING DEVICE UNLESS LOCATED IN ALTERNATE LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE.⁵⁶~~

~~(b) SUPERVISOR'S OFFICE PROVIDING PRIVACY. May be combined with control station.²⁴~~

~~(c) Surgery schedule board or equivalent.~~

~~(d) Dictating facilities.~~

~~(e) CONFERENCE ROOM FOR CONFIDENTIAL COMMUNICATION.²⁴ May be combined with other facilities, as appropriate.~~

~~(15) STAFF FACILITIES.~~

~~(a) LOCATED AND ARRANGED FOR ACCESS FROM OUTSIDE SUITE TO CLOTHING CHANGE AREA PRIOR TO ENTERING SUITE.~~

~~(b) LOCKER ROOM OR ROOMS, TOILET OR TOILETS, SHOWER OR SHOWERS, AND LOUNGE OR LOUNGES.~~

~~(i) Lockers, secured spaces, or equivalent predicated upon daily average volume or flow of personnel, medical staff, and others to and from surgical suite.²⁴~~

~~(ii) STORAGE SPACE FOR SCRUB CLOTHING.^{6, 18}~~

~~(iii) SPACE FOR COLLECTION RECEPTACLES FOR SOILED SCRUB CLOTHING.~~

~~(16) HOUSEKEEPING FACILITIES.⁵~~

~~(17) RECOVERY OR POST ANESTHESIA CARE UNIT.²⁴~~

~~(18) Viewing gallery.~~

~~ACCESS TO GALLERY NOT THROUGH AN OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM and outside of suite.~~

GLASS SEPARATION BETWEEN GALLERY AND OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM.**Notes:**

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

⁸Where combustible anesthetic is to be used, see FLOOR FINISHES, WAC 248-18-719(5); VENTILATION, WAC 248-18-719(2); and ELECTRICAL SYSTEMS, WAC 248-18-719(4).

¹⁰See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(2), CLEAN UP FACILITIES.

¹¹May be instrument sterilizer (high speed recommended) if only instruments are to be sterilized within the suite.

¹²May be instrument pressure sterilizer (high speed recommended) or instrument washer-sterilizer.

¹³See RECEIVING, STORES, AND DISTRIBUTION, WAC 248-18-700(10), FLAMMABLE ANESTHETIC STORAGE.

¹⁴See Recovery Unit, WAC 248-18-560.

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.

²⁴In accordance with program.

⁵⁶See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719(4) and Table 719-6.) Hospitals planning new construction of surgery facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; and WAC 246-318-550(7) medication distribution facility, including the following:

(a) Clean-up room in accordance with WAC 246-318-550(5) with a sink and plaster trap;

(b) Storage facilities for:

(i) Instruments;

(ii) Blood refrigeration, if blood is stored;

(iii) Solutions; and

(iv) Mobile x-ray;

(c) Anesthesia work room with:

(i) Adequate space for storing anesthesia machines, carts, supplies, and medications;

(ii) A two-compartment sink with counter space to separate clean and soiled functions; and

(iii) A writing desk or counter;

(3) Locate a separate segregated surgery suite to:

(a) Prevent traffic through surgery suite to any other area of the hospital; and

(b) Facilitate transfer of patients to recovery/post anesthesia care unit and surgical nursing units;

(4) Provide surgery suite with:

(a) A scrub-up area including:

(i) Direct access to each operating room;

(ii) A minimum of two scrub sinks per operating room or at least three scrub sinks for every two operating rooms;

(iii) Soap dispenser with foot control or equivalent;

(iv) Brush dispenser or equivalent;

(v) Shelf;

(vi) Single service towel dispenser or equivalent; and

(vii) Clock with sweep second hand or equivalent within view from scrub sinks;

(b) Sterilizing facilities located for maintenance accessibility including:

(i) One sterilizer for every three operating rooms; and

(ii) High speed sterilizers with recording thermometers and automatic controls of sufficient capacity to accommodate supplies and equipment if sterilized in suite;

(c) Separate patient preoperative area, if planned, located for direct observation of each patient including:

(i) Room or alcove out of traffic; and

(ii) Provision for toilet, handwash sink, work counters, and cubicle curtains or equivalent, if surgical preps and inductions are done;

(d) A solution warmer; and

(e) A blanket warmer;

(5) Provide at least one major operating room with:

(a) Minimum dimension of eighteen feet;

(b) Minimum clear area of three hundred sixty square feet exclusive of fixed and movable cabinets and shelves;

(c) A ceiling mounted surgery light;

(d) Film illuminators or equivalent for viewing at least two films;

(e) A clock with sweep second hand or equivalent and interval timer;

(f) Storage for surgical supplies; and

(g) Additional space and equipment in accordance with WAC 246-318-221 (4)(a)(i) through (v) if obstetrical deliveries are done;

(6) Provide minor operating procedure room, if planned, with:

(a) Minimum dimension of fifteen feet;

(b) Minimum clear area of two hundred seventy square feet, exclusive of fixed and movable cabinets and shelves;

(c) A ceiling mounted surgery light or equivalent;

(d) A film illuminator or equivalent;

(e) A clock with sweep second hand or equivalent; and

(f) Storage for surgical supplies;

(7) Locate administrative area to permit coordination of functions among operating rooms and control access to surgery facilities with:

(a) Telephone;

(b) Annunciator for emergency signaling device unless located in alternate location from which additional assistance is always available;

(c) Supervisor's office;

(d) Room convenient to the surgery suite for confidential communication; and

(e) File storage;

(8) Provide staff facilities with:

(a) Locker rooms located within the surgery suite, with direct access to the restricted corridor, including:

(i) Storage for personal effects;

(ii) A clothing change area or room;

(iii) A toilet and handwash sink;

(iv) Storage space for scrub clothing; and

(v) Space for collection receptacles for soiled scrub clothing;

(b) A lounge within the surgery suite;

(9) Include a recovery/post anesthesia care unit in accordance with WAC 246-318-730.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-730 Recovery/post anesthesia care unit (PACU). (~~Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.)~~)

(1) LOCATION:

~~(a) LOCATED TO AVOID THROUGH TRAFFIC.~~

~~(b) Located in or near clinical department assuming responsibility.~~

~~(2) PATIENT CARE AREA.~~

~~(a) ROOM OR ROOMS WITH AT LEAST EIGHTY SQUARE FEET PER BED, STRETCHER, OR CART.~~

~~(b) CUBICLE CURTAIN TRACKS OR EQUIVALENT.~~

~~(c) EQUIPMENT FOR EACH PATIENT STATION:~~

~~(i) OXYGEN OUTLET. Two recommended.~~

~~(ii) TWO SUCTION OUTLETS.~~

~~(iii) MEDICAL EMERGENCY SIGNALLING DEVICE.⁵⁶~~

~~(iv) SIX SINGLE OR THREE DUPLEX ELECTRICAL RECEPTACLES.~~

~~(v) OVERHEAD LIGHTING.~~

~~(vi) Medical air.~~

~~(d) LAVATORY LOCATED CONVENIENT TO EVERY SIX PATIENT STATIONS.~~

~~(e) STORAGE, SHELVES, DRAWERS, OR EQUIVALENT AND CHARTING SURFACE AT EACH PATIENT STATION.⁶~~

~~(f) Isolation room.~~

~~(i) LAVATORY OR SINK.~~

~~(ii) ONE OXYGEN OUTLET.~~

~~(iii) TWO SUCTION OUTLETS.~~

~~(iv) MEDICAL EMERGENCY SIGNALLING DEVICE.⁵⁶~~

~~(v) ONE HUNDRED TWENTY SQUARE FEET. One hundred fifty square feet recommended.~~

~~(vi) CLOCK.~~

~~(vii) Access from both outside and inside recovery unit.~~

~~(viii) Relites from isolation room into recovery unit.~~

~~(ix) Capability to change or switch from negative to positive pressure gradient.~~

~~(x) Curtain tracks or equivalent.~~

~~(xi) Medical air.~~

~~(xii) LIGHTING OVER PATIENT STATION.~~

~~(xiii) SIX SINGLE OR THREE DUPLEX ELECTRICAL RECEPTACLES.~~

~~(xiv) CLINIC SERVICE SINK OR WATER CLOSET WITH BEDPAN RINSING/FLUSHING ATTACHMENT ADJOINING ROOM.~~

~~(3) SERVICE FACILITIES.~~

~~(a) ADEQUATE SPACE, IN ADDITION TO REQUIRED PATIENT CARE AREA, IF LOCATED IN SAME ROOM AS PATIENT CARE AREA.~~

~~(b) CLEAN UTILITY OR MATERIALS. May be located in patient care room or adjoining room or rooms.~~

~~(i) WORK SURFACE.~~

~~(ii) SINK.~~

~~(iii) LOCKED DRUG STORAGE INCLUDING SEPARATELY LOCKED STORAGE FOR CONTROLLED SUBSTANCES—See WAC 248-18-711(7).~~

~~(iv) STORAGE UNIT.^{6, 18}~~

~~(v) REFRIGERATOR. Ice dispenser.⁶~~

~~(vi) LINEN STORAGE.^{6, 18}~~

~~(vii) EQUIPMENT STORAGE.^{6, 18}~~

~~(viii) Warmer for blankets and solutions.~~

~~(e) SOILED UTILITY OR SOILED MATERIALS ROOM⁷, LOCATED WITH DIRECT ENTRY FROM RECOVERY UNIT. May be shared with clean up facilities of the surgical suite or combined surgical/obstetrical suite provided there is a direct entry from each.~~

~~(d) CHARTING SURFACE.⁶ May be shelf, desk, or equivalent.~~

~~STAFF TOILET. May be in or convenient to unit.~~

~~(f) HOUSEKEEPING FACILITIES.⁵~~

~~[(e)] Suitable combination with other housekeeping facilities permitted if convenient to recovery unit.~~

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

⁷See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711 (8) or (9), SOILED UTILITY OR MATERIALS ROOM.

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.

⁵⁶See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719, Table 719-6.) Hospitals planning new construction of recovery/post anesthesia facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room. Service facilities may be shared, if clean and soiled utilities and medication storage is directly accessible to surgery;

(3) Locate recovery/post anesthesia care unit area or rooms adjacent to the surgery suite, avoiding through traffic;

(4) Provide patient care area with:

(a) At least eighty square feet per patient;

(b) Cubicle curtains or equivalent;

(c) A handwash sink located convenient to every six patient stations or major fraction;

(d) Storage, shelves, drawers, or equivalent and charting surface at each patient station;

(e) Clock with sweep second hand or equivalent and interval timer; and

(f) Isolation room, if planned, with:

(i) One hundred twenty square feet;

(ii) A handwash sink;

(iii) A clock;

(iv) A charting surface; and

(v) A clinic service sink or water closet with bedpan rinsing/flushing attachment adjoining room;

(5) Provide storage for supplies and equipment;

(6) Provide nursing support station with:

(a) A telephone;

(b) A writing surface; and

(c) Storage;

(7) Provide easily accessible staff toilet with handwash sink.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-740 Critical care facilities. Hospitals planning new construction of critical care facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage (~~((under WAC 248-18-719))~~) in WAC 246-318-540.

~~(2) ((Meet general requirements for certain service facilities under WAC 248-18-711 (3) or (4), (6), (7), (8) or (9), (10) and (11) including nourishment facilities and ice machine in a clean room with combined use or sharing permitted if:))~~ Provide support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and WAC 246-318-550(10) nourishment facilities with provision for bulk ice. Support facilities may be shared if:

(a) The critical care facility has fewer than five beds; and

(b) The ~~((service))~~ support facilities:

- (i) Are in close proximity to the beds; and
- (ii) Provide sufficient space for critical care functions.
- (3) Provide a critical care facility with:

(a) Location to avoid traffic and penetration of objectionable heat or noise or odors from other areas of the hospital;

(b) A water closet, clinic sink, hopper, or equivalent with bedpan-flushing device for disposing of patient wastes, in a room directly accessible to each critical care patient room;

(c) A staff toilet; ~~((and))~~

(d) Charting areas; and

(e) Storage.

(4) Provide patient rooms with:

(a) Location of patient rooms and placement of beds in rooms to provide for direct visibility of patients from ~~((nurses²))~~ nursing support station or equivalent unless there is provision for indirect viewing of patients by mirror system or television;

(b) Maximum capacity of two beds per room and a ratio of at least one single room for every three planned critical care beds;

(c) Minimum usable floor space per bed of one hundred fifty square feet, exclusive of areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms;

(d) Spacing of at least:

- (i) Four feet or more between side of bed and wall;
- (ii) Six feet or more between foot of bed and wall; and
- (iii) Eight feet or more between beds in multibed rooms;
- (e) Equipment as follows:

(i) Curtains or equivalent means of providing visual privacy;

(ii) Clocks with sweep second hands and ~~((lapse))~~ interval timer ~~((functions))~~ or equivalent;

(iii) One ~~((lavatory))~~ handwash sink per room; and

(iv) An electrocardiographic monitor with oscilloscope at least five inches wide with an audio alarm system for each bed;

(f) Uncarpeted floors.

(5) Provide ~~((nurses²))~~ nursing support station or equivalent with:

(a) Location to provide direct visibility of each patient ~~((unless))~~ or a mirror system or television ~~((is provided))~~ for viewing patients;

(b) Space for patient monitoring equipment including:

(i) Slave oscilloscope with audio alarm for continuous display of each patient's electrocardiogram;

(ii) Rate meter; and

(iii) Recorder;

(c) Wall-mounted clock with sweep second hand or equivalent;

(d) Charting surface or equivalent; and

(e) Combined use or sharing permitted if:

(i) The critical care facility has fewer than five beds; and

(ii) The ~~((nurses²))~~ nursing support station or equivalent

~~((=~~ is ~~((A))~~ is located in close proximity to the beds ~~((=))~~ and ~~((B))~~ provides sufficient space for critical care functions.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-750 Facilities for care of patients in labor. Hospitals planning new construction of labor rooms which are not birthing rooms shall:

(1) Locate labor rooms to prevent unnecessary traffic through the labor room service area;

(2) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in ~~((accordance with WAC 248-18-719))~~ WAC 246-318-540.

~~(3) ((Meet general requirements for certain service facilities under WAC 248-18-711 as follows:~~

~~(a) Locate for convenient use of staff;~~

~~(b) May be shared with other service areas;~~

~~(c) Provide medicine distribution facilities;~~

~~(d) Provide clean materials room or clean utility room;~~

~~(e) provide soiled materials room or soiled utility room; and~~

~~(f) Provide housekeeping facilities.))~~ Provide support facilities located for convenient use by staff meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room. Support facilities may be shared with other areas;

(4) Provide a labor room meeting requirements ~~((under WAC 248-18-530(6)))~~ in WAC 246-318-690 (6)(a) and (b) with:

(a) Identification and location accommodating requirements (~~under WAC 248-18-221~~) in WAC 246-318-220(3); and

(b) A maximum capacity of two beds.

(5) Provide toilet and bathing facilities meeting requirements (~~under WAC 248-18-530 (7) and (8) with:~~

~~(a) Water closets in ratio of at least one to every four labor beds or fraction thereof; and~~

~~(b) Showers in the ratio of at least one to every eight obstetrical service beds or fraction thereof))~~ in WAC 246-318-690 (6)(c), (d), and (e).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-760 Obstetrical delivery facilities. Hospitals planning new construction of obstetrical delivery facilities shall:

(1) Locate delivery rooms to prevent traffic through delivery room service areas;

(2) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage meeting requirements (~~under WAC 248-18-719~~) in WAC 246-318-540.

(3) (~~Meet general requirements for certain service facilities under WAC 248-18-711 and provide the following:~~

~~(a) Clean materials or clean utility room;~~

~~(b) Housekeeping facilities;~~

~~(c) Medicine distribution facility;~~

~~(d) Soiled utility room; and~~

~~(e) Storage room.)~~ Provide support facilities meeting

requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(9) soiled utility room.

(4) Design delivery room or surgery room for obstetrical services (~~to accommodate~~) meeting the requirements (~~under WAC 248-18-221~~) in WAC 246-318-220 and provide:

(a) Clock with sweep second hand and interval timer or equivalent;

(b) Film illuminators for at least two x-ray films or equivalent;

(c) Minimum gross area of three hundred and sixty square feet;

(d) Minimum dimension of eighteen feet; and

(e) Delivery room light.

(5) Provide scrub area located to provide direct access to the delivery room with:

(a) One scrub sink or equivalent for every delivery or surgery room;

(b) A dispenser at each scrub sink with foot control, or equivalent, if liquid hand cleaner is used;

(c) Storage for scrub equipment, masks, caps, nail cleaners, and shoe covers;

(d) A clock or timer within view from scrub sinks; and

(e) A towel dispenser or equivalent.

(6) Provide sterilizing facilities within the delivery service area and meeting requirements (~~under WAC 248-18-680(4)~~) in WAC 246-318-590(8), or ((provide central

processing)) in central sterilizing and processing service facilities meeting requirements ((under WAC 248-18-680(1)) in WAC 246-318-590.

(7) Provide anesthesia storage or anesthesia workroom meeting requirements (~~under WAC 248-18-565 (12) or (13))~~) in WAC 246-318-720 (2)(c).

(8) Provide staff facilities meeting requirements (~~under WAC 248-18-565(15))~~) in WAC 246-318-720(8).

(9) Include a recovery/post anesthesia care unit in accordance with WAC 246-318-730.

(10) Provide storage for supplies and equipment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-770 Birthing rooms. Hospitals planning new construction of birthing rooms shall:

(1) Locate birthing rooms to prevent unnecessary traffic through the obstetrical service area;

(2) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage (~~under WAC 248-18-719~~) in WAC 246-318-540;

(3) (~~Meet general requirements for certain service facilities under WAC 248-18-711 as follows:~~

~~(a) Locate for convenient use by staff;~~

~~(b) May be shared with other service areas;~~

~~(c) Provide medicine distribution facilities;~~

~~(d) Provide clean utility room;~~

~~(e) Provide soiled utility room;~~

~~(f) Provide housekeeping facilities; and~~

~~(g) Provide storage room.~~

~~(4) Provide a nourishment facility which:~~

~~(a) Meets requirements under WAC 248-18-530(9); and~~

~~(b) May be shared with other service areas.)~~ Provide

support facilities located for convenient use by staff meeting requirements in WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; WAC 246-318-550(9) soiled utility room; and WAC 246-318-550(10) nourishment facility. Support facilities may be shared with other areas;

~~((5))~~ (4) Design each birthing room (~~to accommodate~~) meeting the requirements (~~under WAC 248-18-221~~) in WAC 246-318-220(4) and provide:

(a) Area and dimensions (~~meeting the requirements under WAC 248-18-530 (6)(d) and~~) with a minimum usable floor space excluding lavatory, wardrobe, or closet, fixed or movable cabinets, storage facilities, and entry vestibules as follows:

(i) One hundred and sixty square feet total; and

(ii) Four feet at one side and at foot of bed.

(b) A (~~lavatory~~) handwash sink in the room meeting requirements (~~under WAC 248-18-719~~) in WAC 246-318-540; ((and))

(c) Privacy curtains or equivalent; and

(d) One full-length wardrobe, closet, or locker for storage of personal effects.

~~((6))~~ (5) Provide toilet and bathing facilities meeting requirements (~~under WAC 248-18-530 (7) and (8))~~) in WAC 246-318-690 (6)(c) and (d) and with:

- (a) Patient toilets adjoining birthing room and in a ratio of one toilet for each patient bed;
 - (b) Support persons' toilets, separate from patient toilet, and conveniently located; and
 - (c) Showers in a ratio of one shower to every eight patient beds in obstetrical service area.
- ~~((7))~~ (6) Provide ((nurses')) nursing support station or equivalent meeting requirements ((under WAC 248-18-530 (9)(a))) in WAC 246-318-690 (5)(b).
- ~~((8))~~ (7) Provide staff facilities meeting requirements ((under WAC 248-18-070)) in WAC 246-318-070.
- (8) Provide storage for supplies and equipment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-780 Obstetrical recovery unit.
~~((Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.))~~

~~Within or close to delivery suite or combined surgery/delivery suite. IF WITHIN DELIVERY SUITE OR COMBINED SURGERY/DELIVERY SUITE, LOCATED NEAR ENTRANCE AND AWAY FROM IMMEDIATE AREA OF DELIVERY ROOMS AND OPERATING ROOMS.~~

Note:

¹⁴See Recovery Unit, WAC 248-18-560.) Hospitals planning new construction of an obstetrical recovery unit shall meet the requirements in WAC 246-318-730.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-790 Newborn nursery facilities.
 Hospitals planning new construction of newborn nursery facilities shall:

- (1) Locate the nursery facilities to prevent unnecessary traffic through the service area;
- (2) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage ~~((under WAC 248-18-719))~~ in WAC 246-318-540;
- (3) ~~((Provide service facilities:~~
 - ~~(a) Convenient to nursery room;~~
 - ~~(b) Shared with other nursery areas at hospital's discretion;~~
 - ~~(c) Designed to separate clean and soiled areas and meeting the requirements under WAC 248-18-711 with:~~
 - ~~(i) A clean utility room with accommodation for a refrigerator for infant feedings;~~
 - ~~(ii) A soiled utility room;~~
 - ~~(iii) Housekeeping room; and~~
 - ~~(iv) Storage.))~~ Provide support facilities convenient to nursery room meeting requirements in WAC 246-318-550(4) clean utility room with additional provision of refrigerator for infant feedings; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(9) soiled utility room. Support facilities may be shared with other nursery areas;
 - (4) Meet the requirements ~~((under WAC 248-18-221))~~ in WAC 246-318-220 (6) and (7);

- (5) Provide nursery rooms with:
 - (a) No public access to the nursery except through handwashing and gowning area;
 - (b) Enough bassinets for newborn infants at least equal to anticipated need;
 - (c) An area of twenty-four square feet per bassinet;
 - (d) At least three feet between bassinets;
 - (e) A ~~((lavatory))~~ handwash sink meeting the requirements ~~((of WAC 248-18-719 (3)(g) and (6)(b)(iv) and (v)))~~ in WAC 246-318-540 (4)(f) and (7)(b), (e), and (f) and located at every entrance to each nursery room, ((and)) with a ratio of one lavatory for every twelve bassinets or major fraction;
 - (f) A liquid detergent dispenser with foot control;
 - (g) A clock with sweep second hand or equivalent visible from all nursery rooms and service areas;
 - (h) Lighting level measured at height of infant station or treatment table:
 - (i) Minimum seventy foot candles; and
 - (ii) Maximum one hundred foot candles.
 - (i) Provision for viewing infants in the nursery rooms by visitors outside the nursery rooms;
 - (j) A charting area which may be shared with other nurseries, with provisions for:
 - (i) A writing desk or counter;
 - (ii) A chart rack; and
 - (iii) Use of telephone.
- (6) Provide a handwashing and gowning area at the public entrance to the nursery room with:
 - (a) A ~~((lavatory))~~ handwash sink with gooseneck spout and knee or foot faucet control or equivalent;
 - (b) Liquid detergent dispenser with foot control;
 - (c) Storage for linen and equipment; and
 - (d) Provision for hanging outer garments.
- (7) Provide staff facilities meeting the requirements ((under WAC 248-18-070)) in WAC 246-318-070 which may be shared with other service areas;
- (8) Provide storage room for supplies and equipment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-800 Intermediate care nursery and neonatal intensive care nursery. Hospitals planning new construction of intermediate care nurseries and neonatal intensive care nurseries shall:

- (1) Locate the nursery facilities to prevent unnecessary traffic through the service area;
- (2) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage ~~((under WAC 248-18-719))~~ in WAC 246-318-540;
- (3) ~~((Provide service facilities:~~
 - ~~(a) Convenient to nursery room;~~
 - ~~(b) Shared with other nursery areas at hospital's discretion; and~~
 - ~~(c) Designed to separate clean and soiled areas and meeting the requirements of WAC 248-18-711 with:~~
 - ~~(i) A clean utility room with accommodation for a refrigerator for infant feedings;~~
 - ~~(ii) A soiled utility room;~~

~~(iii) Housekeeping room;~~

~~(iv) Storage; and~~

~~(v) Medicine distribution facilities.)) Provide support facilities convenient to nursery room meeting requirements in WAC 246-318-550(4) clean utility room with additional provision of refrigerator for infant feedings; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(9) soiled utility room. Support facilities may be shared with other nursery areas;~~

(4) Meet the requirements ~~((under WAC 248-18-221))~~ in WAC 246-318-220 (6) and (7);

(5) Meet the requirements ~~((under WAC 248-18-224))~~ in WAC 246-318-230(2) for intermediate care nurseries;

(6) Meet the requirements ~~((under WAC 248-18-224))~~ in WAC 246-318-230(3) for neonatal intensive care nurseries;

(7) Meet all requirements ~~((under WAC 248-18-616))~~ in WAC 246-318-790 with additions as follows:

(a) Provide nursery rooms with film illuminators or equivalent to view a minimum of two x-ray films which may be shared between intermediate and neonatal intensive care nurseries; and

(b) Provide infant stations with:

(i) Minimal usable floor area exclusive of aisles with:

(A) Fifty square feet in intermediate care nursery; and

(B) Eighty square feet in neonatal intensive care nursery.

(ii) Space to accommodate monitors;

(iii) Work counter with provisions for a writing area; and

(iv) Closed storage for individual supplies and equipment.

(8) Provide scrub area including:

(a) A scrub sink for every eight infant stations or a major fraction thereof, with no less than two sinks;

(b) Germicidal dispenser, hand brush, sponge dispenser or equivalent, located at each scrub sink; and

(c) Clean storage for clean gowns, masks, nail cleaners, and shoe covers.

(9) ~~((Design any planned))~~ Provide isolation room ~~((to meet))~~ if planned, meeting the requirements ~~((under))~~ in subsection ~~((6))~~ (7)(b)(i), (ii), (iii), and (iv) of this section;

(10) Provide parent privacy room with education facilities ~~((providing))~~ and cubicle curtains or equivalent for complete visual privacy;

(11) Provide conference or counseling room convenient to intermediate care and neonatal intensive care nursery rooms;

(12) Provide ~~((nurses'))~~ nursing support station or equivalent meeting the requirements ~~((under WAC 248-18-530 (9)(a)))~~ in WAC 246-318-690 (5)(b); ~~((and))~~

(13) Provide staff facilities meeting the requirements ~~((under WAC 248-18-070))~~ in WAC 246-318-070 which may be shared with other service areas; and

(14) Provide storage room for supplies and equipment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-810 Alcoholism and substance abuse nursing unit. ~~((Optional. SHALL MEET REQUIREMENTS IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - See WAC 248-18-515))~~

~~(1) WHEN SEPARATE ALCOHOLISM AND/OR SUBSTANCE ABUSE UNIT IS PLANNED, WAC 248-18-532 SHALL APPLY. When ten or more alcoholism treatment beds in the hospital are planned, a separate alcoholism unit is recommended.~~

~~(2) DETOXIFICATION AREA.~~

~~(a) PATIENT ROOMS, TOILET ROOMS, AND BATHING FACILITIES SHALL MEET REQUIREMENTS UNDER WAC 248-18-530 (6), (7), and (8).~~

~~(b) May be located on an acute care nursing unit.~~

~~(c) Security or seclusion rooms. Refer to WAC 248-18-534 (6) and (7).~~

~~(3) ALCOHOLISM AND SUBSTANCE ABUSE AREA OTHER THAN DETOXIFICATION.~~

~~(a) DESIGNED FOR CARE OF AMBULATORY AND HANDICAPPED PATIENTS.~~

~~(b) PROVISION FOR FLEXIBILITY IN ARRANGEMENT FOR VARIOUS TYPES OF THERAPIES.~~

~~(c) PATIENT ROOMS SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(6) WITH EXCEPTIONS:~~

~~(i) SEVENTY SQUARE FEET USABLE FLOOR SPACE PER BED IN MULTI-BED ROOMS PERMITTED IN EXISTING PATIENT ROOMS.~~

~~(ii) EIGHTY SQUARE FEET USABLE FLOOR SPACE IN ONE-BED ROOMS PERMITTED IN EXISTING PATIENT ROOMS.~~

~~(iii) IN MULTI-BED ROOMS: BEDS SPACED AT LEAST THREE FEET APART WITH THREE FOOT AISLE MINIMUM WIDTH TO ALLOW TRAFFIC FLOW WITHIN THE ROOM.~~

~~(iv) Lavatory in each room optional.~~

~~(d) PATIENT TOILET ROOMS SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(7). AT LEAST ONE TOILET OPENING DIRECTLY FROM THE MAIN CORRIDOR OF THE NURSING UNIT IS DESIGNED TO ACCOMMODATE PATIENTS IN WHEELCHAIRS. May be used by either sex.~~

~~(i) EXCEPTIONS FOR ALTERATIONS OF EXISTING FACILITIES, REFER TO WAC 248-18-530 (7)(b).~~

~~(ii) SEPARATE TOILETS FOR EACH SEX UNLESS A TOILET ADJOINS EACH PATIENT ROOM.~~

~~(iii) Bedpan flushing devices, optional.~~

~~(e) BATHING FACILITIES SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(8).~~

~~(f) SERVICE AND SUPPORT FACILITIES.~~

~~(i) NURSES STATION OR EQUIVALENT SPACE FOR CLERICAL FUNCTIONS, TELEPHONE, NURSE CALL ANNUNCIATOR, AND MEDICAL RECORDS.~~

~~(ii) STANDARDS FOR NURSING UNIT IN WAC 248-18-530 (9)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) APPLY.~~

~~(g) SOCIAL FACILITIES.~~

~~(i) AT LEAST TWO SEPARATE ROOMS.²⁴~~

~~(ii) COMBINED ROOMS AND SOCIAL AREAS NOT LESS THAN FOUR HUNDRED SQUARE FEET FOR UNIT OF TEN BEDS OR LESS. FOR EVERY ADDITIONAL BED, ADD TWENTY SQUARE FEET PER BED.~~

~~(h) EXAMINATION AND TREATMENT ROOM SHALL MEET REQUIREMENTS IN WAC 248-18-530 (9)(i). LOCATED ON UNIT OR ELSEWHERE WITHIN HOSPITAL.~~

~~(i) Patient laundry facilities.²⁴ See WAC 248-18-534(13).~~

~~(j) OFFICES FOR ALCOHOLISM TREATMENT STAFF, INTERVIEWING ROOMS, COUNSELING ROOMS.²⁴~~

Note:

²⁴~~In accordance with program.~~) Hospitals planning new construction of alcoholism and substance abuse nursing facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room;

(3) Locate each nursing unit to avoid through traffic to any service, diagnostic, treatment, or administrative area and to control access;

(4) Provide the unit with:

(a) Patient rooms, toilet rooms, bathing facilities, nursing support station or equivalent, and nourishment facilities as required in WAC 246-318-690;

(b) Examination and treatment room available including:

(i) Minimum dimension of eight feet;

(ii) At least eighty square feet useable floor space exclusive of cabinets, sink, work counter, desk, and vestibule;

(iii) Handwash sink;

(iv) Work surface; and

(v) Storage cabinet;

(c) Social facilities including:

(i) At least two separate rooms or one room with partition to accommodate two separate functions simultaneously; and

(ii) At least four hundred square feet for unit of ten beds or less. Add twenty square feet per bed for each additional bed;

(d) Offices for staff;

(e) Interview and counseling rooms for patient confidentiality and privacy;

(f) Facilities for patients to launder personal belongings; and

(g) Provide detoxification area, if planned, with patient rooms equipped with oxygen and suction outlets at each bed.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-830 Rehabilitation facilities. (~~Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.)~~)

~~(1) REHABILITATION FACILITIES, GENERAL.~~

~~(a) Located for easy access by inpatients and outpatients and to facilitate transport of equipment for bedside treatment when necessary.~~

~~(b) LOCATED TO AVOID OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS.~~

~~(c) TYPE AND EXTENT OF FACILITIES ADEQUATE FOR THE TYPE AND VOLUME OF ANTICIPATED SERVICES.~~

~~(2) WAITING AREA.~~

~~(a) Suitable combinations with other waiting areas permitted.~~

~~(b) Accommodations for inpatients and outpatients.~~

~~(c) ADEQUATE SPACE FOR STRETCHERS AND WHEELCHAIRS.~~

~~(d) Reception counter or desk.~~

~~(3) PHYSICAL THERAPY FACILITIES. May be omitted if program indicates not needed.~~

~~(a) ADMINISTRATIVE FACILITIES.~~

~~OFFICE SPACE suitable for interviewing patients, and administrative and clerical functions.~~

~~(b) Examining room.~~

~~(i) Floor to ceiling partitions for privacy. Arranged to permit permanent placement of examining equipment.~~

~~(c) TREATMENT AREA.~~

~~(i) GENERAL TREATMENT AREA.~~

~~(A) CUBICLES LARGE ENOUGH FOR THERAPIST TO WORK ON BOTH SIDES OF TABLE.~~

~~(B) Divided by curtains rather than solid partitions.~~

~~(C) ARRANGED TO PERMIT EASY ACCESS FOR WHEELCHAIR OR STRETCHER PATIENTS.~~

~~(ii) Underwater exercise area.~~

~~(A) Concentration of equipment requiring special water supply and plumbing in one section of department.~~

~~(B) ACCESSIBLE AND ADJACENT TO OTHER TREATMENT AREAS.~~

~~(C) Overhead lifts for tank or exercise pool.~~

~~(iii) General exercise area.~~

~~(A) Flexible open space.~~

~~(B) At least one wall reinforced for installation of stall bars and similar equipment.~~

~~(d) PATIENT LOCKER FACILITIES.~~

~~LOCKERS OR OTHER SUITABLE PROVISION FOR PATIENT CLOTHING IN OR NEAR TREATMENT AREAS.~~

~~(e) STORAGE FOR SUPPLIES AND EQUIPMENT.~~

~~(i) ADEQUATE TO MEET NEEDS OF SERVICE.~~

~~(ii) Near work areas.~~

~~(f) SPECIAL DESIGN FEATURES.~~

~~(i) SINK OR SINKS.~~

~~(A) HANDWASHING FACILITIES IN GENERAL TREATMENT AREA AND IN OR CONVENIENT TO OTHER TREATMENT AREAS.~~

~~(B) AT LEAST ONE SINK OF SUFFICIENT WIDTH AND DEPTH TO ACCOMMODATE WET PACKS.~~

(ii) Ceiling moorings:

(A) Constructed to support at least five hundred pounds.

(B) Strategically located throughout treatment areas for attachment of overhead equipment.

(4) Occupational therapy.²³ Located close to physical therapy facilities.

(a) ADMINISTRATIVE FACILITIES:

(i) OFFICE AND WORK SPACE FOR STAFF:

(ii) Separate room recommended.

(iii) Designed and located to permit visual supervision of therapy areas.

(b) STORAGE FOR SUPPLIES AND EQUIPMENT:

(i) ADEQUATE TO MEET NEEDS OF THERAPY PROGRAM:

(ii) Near therapy areas.

(c) THERAPY AREA.²⁴

(i) At least thirty-six square feet of floor area per patient for the maximum number to be in therapy at any one time.

(ii) Divided and equipped for diversified work.

(iii) EQUIPMENT:

SINK WITH SLUDGE TRAP:

(d) Facilities for teaching activities of daily living.

(5) Psychological facilities:

Office space for psychological testing, evaluation, and counseling.

(6) Social service facilities:

Office space for private interview and counseling.

(7) Vocational facilities:

Office and work space for counseling, evaluation, prevocational program, and placement.

(8) Special education facilities:

Schoolroom for children if children are to be included in program.

(9) TOILET, LOCKER, AND SHOWER FACILITIES:

(a) LOCKER, TOILET, AND SHOWER FACILITIES FOR PATIENTS:

(b) PATIENT TOILET OR TOILETS DESIGNED FOR ACCOMMODATION OF WHEELCHAIR PATIENTS:

(c) May be omitted if program does not indicate need for locker and shower facilities and other suitable patient toilets are convenient to rehabilitation facilities.

(10) HOUSEKEEPING FACILITIES.⁵

Suitable combination with other housekeeping facilities permitted if convenient to rehabilitation facilities.

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

²³For construction and ventilation requirements for areas in which flammable agents are to be handled or stored, refer to standards of the State Fire Marshal.

²⁴In accordance with program:)) Hospitals planning new construction of rehabilitation facilities such as rehabilitation nursing units, physical therapy, occupational therapy, speech therapy, therapeutic recreation shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping supply room meeting requirements in WAC 246-318-550(6);

(3) Locate rehabilitation facilities for easy access by patients, avoiding outpatient traffic through inpatient areas meeting accessibility requirements in WAC 51-20-3100;

(4) Meet the requirements in WAC 246-318-870 for an inpatient rehabilitation nursing unit and provide:

(a) Day/dining, recreation, activity room or rooms totaling at least four hundred square feet for units of twenty beds and twenty square feet for each additional bed, with windows;

(b) Space and privacy for interviewing, group, family, and individual counseling; and

(c) Facilities for patients to launder personal belongings;

(5) Provide outpatient rehabilitation facilities, if planned, with:

(a) Patient toilet and shower facilities meeting accessibility requirements in WAC 51-20-3100 including changing area, lockers, or other suitable clothing storage in or near treatment areas;

(b) Reception and waiting area in or convenient to the facility;

(c) Office and work space with communication device for staff;

(d) Public toilet convenient to the facility and meeting accessibility requirements in WAC 51-20-3100;

(e) Staff facilities on or convenient to the facility meeting requirements in WAC 246-318-550(2) and 51-20-3100; and

(ii) Storage for personal belongings;

(f) Ready access to emergency medical equipment;

(6) Provide physical therapy facilities, if planned, with:

(a) General treatment area including:

(i) Private areas large enough for therapist to access both sides of work station;

(ii) Arrangement to permit easy access for wheelchair or stretcher patients;

(iii) Therapy area of at least thirty-six square feet usable floor area per patient in therapy at any one time; and

(iv) Provision for patient privacy;

(b) Handwash sink in or convenient to treatment areas;

(c) Storage for hot packs and equipment;

(d) Refrigeration for cold packs; and

(e) Area for physical activities and equipment;

(7) Provide occupational therapy facilities, if planned, with:

(a) Therapy areas of at least thirty-six square feet useable floor area per patient in therapy at any one time, divided and equipped for diversified work; and

(b) Handwash sink with plaster trap;

(8) Provide pools, spas, and tubs which remain filled between patients, if planned, meeting requirements in chapter 246-260 WAC;

(9) Provide therapeutic recreation facilities, if planned, with:

(a) Individual therapy areas divided and planned for diversified work; and

(b) Handwash sink with plaster trap;

(10) Provide speech therapy facilities, if planned, with a quiet room of at least forty-eight square feet.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-840 Outpatient care facilities ((for one-day patient care)). ((Optional. SHALL MEET REQUIREMENTS, IF INCLUDED.

~~(1) LOCATED FOR CONVENIENT TRANSFER TO AND FROM A SURGICAL SUITE.²⁴~~

~~(2) WAITING ROOM OR AREA FOR FAMILY MEMBERS. May be combined with other waiting areas, if in close proximity.~~

~~(3) PATIENT CARE ROOM OR ROOMS.~~

~~(a) DIRECTLY ACCESSIBLE FROM CORRIDOR.~~

~~(b) ONE BED ROOM OR ROOMS WITH ONE HUNDRED SQUARE FEET PER ROOM.~~

~~(c) MULTI-BED ROOM OR ROOMS WITH AT LEAST EIGHTY SQUARE FEET PER EACH BED, STRETCHER, OR EQUIVALENT. THIS SPACE MAY INCLUDE SUPPORT FACILITIES PERMITTED WITHIN THE ROOM, THREE FEET CLEAR SPACE BETWEEN EACH BED, STRETCHER, OR EQUIVALENT.~~

~~(d) EQUIPMENT.~~

~~(i) OXYGEN OUTLET AT HEAD OF EACH BED, STRETCHER, OR EQUIVALENT.~~

~~(ii) SUCTION OUTLET AT HEAD OF EACH BED, STRETCHER, OR EQUIVALENT.~~

~~(iii) NURSE CALL SIGNAL DEVICE AT EACH BED, STRETCHER, OR EQUIVALENT. SEE WAC 248-18-719(4) and Table 719-6.~~

~~(iv) CLOSET, LOCKER, OR EQUIVALENT PER EACH BED, STRETCHER, OR EQUIVALENT FOR PATIENT CLOTHING. May be in or adjacent to the patient care room or rooms.~~

~~(v) LAVATORY.~~

~~(vi) MEDICAL EMERGENCY SIGNALLING DEVICE.⁵⁶~~

~~(vii) CUBICLE CURTAIN TRACKS OR RAILS OR EQUIVALENT TO PROVIDE COMPLETE SCREENING OF EACH BED, STRETCHER, OR EQUIVALENT TO PROVIDE VISUAL PRIVACY FOR EACH PATIENT IN MULTI-BED ROOMS.~~

~~(4) SERVICE FACILITIES LOCATED IN PATIENT CARE ROOM OR ROOMS OR ADJOINING ROOM OR ROOMS OR AREAS.~~

~~(a) SINK OR LAVATORY if service facility outside patient care room.~~

~~(b) WORK COUNTER.⁶~~

~~(c) LOCKED DRUG STORAGE INCLUDING SEPARATELY LOCKED STORAGE FOR CONTROLLED SUBSTANCES.^{6,24}~~

~~(d) STORAGE UNIT.^{6,18}~~

~~(e) REFRIGERATOR.⁶~~

~~(f) LINEN STORAGE.⁶~~

~~(g) CHARTING SURFACE OR DESK.⁶~~

~~(h) TELEPHONE.~~

~~(5) SOILED UTILITY OR SOILED MATERIALS ROOM. REFER TO WAC 248-18-711 (8) and (9).~~

~~(6) PATIENT TOILET DESIGNED AND ARRANGED TO ACCOMMODATE A PATIENT IN A WHEELCHAIR.~~

~~(7) HOUSEKEEPING FACILITIES.⁵ Suitable combination with other housekeeping facilities permitted, if convenient to one-day patient care facilities.~~

~~(8) PredischARGE area or lounge.~~

~~(a) Multipatient accommodation.~~

~~(b) Seventy square feet per patient space.~~

~~(c) Curtain tracks or equivalent to provide for visual privacy for patients.~~

~~(d) Access to toilet.~~

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.

²⁴In accordance with program.

⁵⁶See GENERAL DESIGN REQUIREMENTS, WAC 248-18-719(4) and Table 719-6.) Hospitals planning new construction of facilities for outpatient care shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide housekeeping supply room meeting the requirements in WAC 246-318-550(6);

(3) Provide for the following:

(a) Easy access for outpatients with minimal traffic through inpatient areas;

(b) Conveniently located waiting room;

(c) Patient toilet with handwash sink meeting accessibility requirements in WAC 51-20-3100;

(d) Administrative facilities including:

(i) Registration area or room;

(ii) Work surface or desk;

(iii) Telephone;

(iv) Clock;

(v) Storage space; and

(vi) Room for confidential communication, convenient to the unit;

(4) Provide facilities meeting the requirements in WAC 246-318-850 and subsection (6) of this section if special procedures are planned;

(5) Provide outpatient surgery facilities, if planned, with:

(a) Room or rooms for preoperative and predischARGE functions with access to service facilities meeting the requirements in WAC 246-318-550(3) clean material room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and

(b) Convenient access to main hospital operating room or provide separate operating room meeting requirements in WAC 246-318-720;

(6) Provide outpatient exam or treatment facilities, if planned, with:

(a) Direct accessibility from the corridor;

(b) Service facilities meeting the requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and

(c) Single bed rooms of at least one hundred square feet or multibed room with at least eighty square feet per patient, including:

(i) Cubicle curtains or equivalent for each patient in multibed rooms;

(ii) Closet, locker, or equivalent for each patient;

(iii) Handwash sink, one for every six patients in multibed rooms;

(iv) Toilet with handwash sink meeting accessibility requirements in WAC 51-20-3100; and

(v) Clock;

(d) Exam or treatment rooms including:

(i) Minimum eight feet dimension with eighty square feet of usable floor space;

(ii) Handwash sink;

(iii) Examination table;

(iv) Examination light or equivalent;

(v) Storage for supplies and equipment;

(vi) Film illuminator or equivalent conveniently available; and

(vii) Coat hook or equivalent;

(e) Nursing support station with:

(i) Nurse call annunciator;

(ii) Telephone;

(iii) Writing surface; and

(iv) Storage.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-850 ((Outpatient department)) Special procedure facilities. ((Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.)

(1) OUTPATIENT DEPARTMENT, GENERAL.

(a) LOCATED FOR EASY ACCESS BY OUTPATIENTS.

(b) LOCATED SO OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS WILL BE AVOIDED.

(c) Located for convenient access to radiology, pharmacy, laboratory, and physical therapy.

(d) NUMBER, SIZE, AND TYPE OF FACILITIES DEPENDENT UPON TYPE AND ANTICIPATED VOLUME OF OUTPATIENT WORK.

(2) ADMINISTRATIVE FACILITIES.

(a) In small department, may be combined with inpatient or emergency department administrative facilities.

(b) Secondary facilities may be needed adjacent to major clinic areas in large department.

(c) WAITING AREA.

(d) ADMITTING FACILITIES.

(e) Appointment and cashier facilities.

(f) Office.

(g) PUBLIC TOILET.

(h) Staff toilet.

(3) EXAMINATION ROOM.

(a) MINIMUM DIMENSION OF EIGHT FEET AND MINIMUM AREA OF EIGHTY SQUARE FEET.

(b) EQUIPMENT:

LAVATORY OR SINK.

EXAMINATION LIGHT.⁶

STORAGE FOR SUPPLIES AND EQUIPMENT.¹⁸

Dressing cubicles.

Film illuminator.

(4) Doctors' office.

(5) Minor surgery or treatment room.

(a) MINIMUM DIMENSION OF FIFTEEN FEET.

(b) EQUIPMENT:

SCRUB SINK.

LIQUID DETERGENT DISPENSER WITH FOOT CONTROL.⁶

SURGERY OR TREATMENT LIGHT.⁶

STORAGE FOR SUPPLIES AND EQUIPMENT.^{6, 18}

FILM ILLUMINATOR OR ILLUMINATORS.⁶

(6) UTILITY ROOM.⁷

Located close to examination and treatment rooms.

(7) MEDICINE FACILITIES.⁷

(8) HOUSEKEEPING FACILITIES.⁵

Suitable combination with other housekeeping facilities permitted if convenient to outpatient department.

(9) LINEN STORAGE.¹⁸

(10) EQUIPMENT STORAGE.¹⁸

(11) Observation or recovery room.¹⁴

Notes:

⁵See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(6), HOUSEKEEPING FACILITIES.

⁶May be movable equipment.

⁷See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711.

¹⁴See Recovery Unit, WAC 248-18-560.

¹⁸See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC 248-18-711(10), STORAGE FACILITIES.) Hospitals planning new construction of special procedure rooms shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in WAC 246-318-540;

(2) Provide convenient and easily accessible support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room;

(3) Locate special procedure rooms for easy access by patients and convenient to waiting area;

(4) Meet requirements in WAC 246-318-650 (3) and (5) through (19) when imaging procedures are done in special procedure rooms which are not located in the radiology facilities;

(5) Provide endoscopy room, if planned, with:

(a) Minimum fifteen feet room dimension when x-ray equipment is planned for endoscopic procedures; or

(b) Minimum twelve feet room dimension for routine endoscopic procedures;

(c) Handwash sink;

(d) Ceiling mounted surgery light or equivalent;

(e) Film illuminator;

(f) Clock with sweep second hand or equivalent and interval timer;

(g) Supply and equipment storage; and

(h) Adjacent toilet with handwash sink;

(6) Provide laser room, if planned, with:

(a) Handwash sink, unless laser room is in the operating room;

(b) Clock with sweep second hand and interval timer, unless laser room is in operating room;

(c) Prominently displayed warning sign at entrance;

(d) If equipped, viewing windows to provide protection in accordance with manufacturer of laser in use;

(e) Supply and equipment storage;

(f) Provision for exhaust in accordance with manufacturer of laser in use;

(g) If watercooled laser is to be used, provide water supply line equipped with vacuum breaker and unalterable air gap for drain; and

(h) Minimally reflective finishes;

(7) Provide angiography room, if planned, with:

(a) Minimum fifteen feet room dimension;

(b) Two scrub sinks;

(c) Work counter;

(d) Supply and equipment storage;

(e) Exam light; and

(f) Clock with sweep second hand and interval timer;

(8) Provide cardiac laser, cardiac cath, angioplasty, valvuloplasty, or other special procedure room, if planned, with:

(a) Minimum twenty feet room dimension;

(b) Two scrub sinks;

(c) Work counter;

(d) Supply and equipment storage;

(e) Exam light; and

(f) Clock with sweep second hand and interval timer;

(9) Provide lithotripsy room, if planned, with:

(a) Minimum fifteen feet room dimension;

(b) Handwash sink, unless lithotripsy device is in operating room;

(c) Work counter;

(d) Supply and equipment storage; and

(e) Clock with sweep second hand and interval timer, unless lithotripsy is done in operating room.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-860 Dialysis facilities. Hospitals planning new construction of dialysis facilities shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage ~~((under WAC 248-18-719))~~ in WAC 246-318-540 with:

(a) Air changes in patient areas equivalent to a treatment room;

(b) Capture hoods in equipment cleanup or dialyzer reuse preparation rooms:

(i) Capable of maintaining formaldehyde levels less than 0.5 parts per million in the rooms; and

(ii) Exhausting directly to outdoors;

(c) Plumbing for each dialysis station providing:

(i) A water supply system or mechanism capable of meeting the flow and pressure requirements of the manufacturer for each machine;

(ii) A waste line serving dialysis equipment with an unalterable air gap or equivalent to prevent backflow;

(iii) Connections to the dialysis equipment or equivalent to prevent backflow; and

(iv) Piping and fittings used for all dialysis functions conforming to current National Sanitation Foundation Standard No. 14 ~~((title))~~ entitled "Plastics Piping Components," ~~((August 1986))~~;

(d) Electrical services providing:

(i) A minimum of four single electrical receptacles on emergency power at each dialysis station;

(ii) At least two of the electrical receptacles per station on emergency power connected to a dedicated branch circuit;

(iii) Lighting in each dialysis facility on emergency power; and

(iv) Ground fault circuit interrupter protection for all electrical outlet services in dialysis stations and wet areas.

(2) ~~((Meet general requirements for certain service facilities under WAC 248-18-711 (3) or (4), (6), (7), (8) or (9), (10), and (11) which))~~ Provide support facilities meeting the requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; and WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room. Support facilities may be shared with any immediately adjacent facility and ~~((including))~~ includes:

(a) Lockable storage for patient valuables unless provided elsewhere under hospital policy;

(b) Chemical storage in an area within a room; and

(c) Cleanup room for dialysis equipment meeting requirements ~~((of))~~ in WAC ~~((248-18-711))~~ 246-318-550(5)(b), (c), and (d) with eyewash equipment located within the dialysis facility.

(3) Provide a dialysis facility with:

(a) Location to avoid through traffic;

(b) Uncarpeted floors in patient care and wet areas;

(c) Coat hook or equivalent for hanging full length garments;

(d) A medical emergency signal device;

(e) A patient waiting area;

(f) Work station for staff with writing surfaces and storage for supplies;

(g) Patient preparation areas ~~((+))~~ adjacent to dialysis stations ~~((+))~~ with provisions for:

~~((+))~~ ~~((+))~~ with provisions for:

~~((A))~~ (i) Privacy;

~~((B))~~ (ii) Handwashing; and

~~((C))~~ (iii) Storage;

(h) Privacy areas for interviewing and consultation which may be shared;

(i) A conveniently located toilet ~~((or toilets in or convenient to the dialysis facility including at least one wheelchair accessible toilet))~~ meeting accessibility requirements in WAC 51-20-3100; and

(j) Patient training room with a ~~((lavatory))~~ handwash sink if home training is planned.

(4) Provide dialysis stations including:

(a) Minimum square feet per dialysis station of:

(i) Seventy square feet excluding aisles when the service uses recliner chairs; and

(ii) Eighty square feet excluding aisles when the service uses beds;

- (b) ~~((Lavatory))~~ A handwash sink adjacent to each dialysis station; and
 (c) A patient nurse call.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-870 Long-term care unit. Hospitals planning new construction of long-term care facilities of ten or more beds shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage ~~((under WAC 248-18-719))~~ in WAC 246-318-540;

(2) Provide ~~((and meet general requirements for certain service facilities under WAC 248-18-711 (3) or (4), (6), (7), (8) or (9), (10), and (11)))~~ support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and WAC 246-318-550(10) nourishment facilities with provision for bulk ice, including:

(a) Locks on all doors for housekeeping, medications, storage, and utility rooms;

(b) Controlled access locks on medication rooms;

(c) ~~((A housekeeping supply room on or adjacent to each facility;~~

~~((d)))~~ Linen storage in a clean room; and

~~((e)))~~ (d) General storage space of not less than four square feet per bed within the hospital in addition to closets and equipment storage provided in the long-term care service area;

(3) Provide long-term care facilities with:

(a) Location of facilities described under subsection (2)(a) ~~((through (e)))~~ and (b) of this section on the same floor as long-term care beds;

(b) Location to minimize through traffic and penetration of objectionable noise, odors, or heat from other areas of the hospital;

(c) Wheelchair accessible patient toilets including:

(i) Water closets in a ratio of at least one per four beds;

(ii) Bedpan flushing equipment;

(iii) Accessibility from each patient room;

(iv) ~~((Lavatory))~~ A handwash sink in each toilet; and

(v) Grab bars properly located and securely mounted on each side of the water closet;

(d) At least one wheelchair accessible toilet opening directly from the main corridor;

(e) Handrails along both sides of all patient use corridors:

(i) Mounted at thirty-two to thirty-four inches above the floor;

(ii) With ends returned to the walls; and

(iii) Projecting a maximum of three and one-half inches from the wall;

(f) Patient bathing facilities including:

(i) Showers or tubs in a ratio of one per fifteen beds;

(ii) At least one emersion bathing fixture accessible from two sides and one end for wheelchairs and stretchers;

(iii) One roll-in shower or equivalent designed:

(A) For ease of shower chair entry;

(B) With bulk heads a maximum of thirty-four inches high providing for toe space;

(C) With properly sloped and drained floor to prevent the flow of water outside the stall while providing for safe use of a shower chair within the stall; and

(D) With the water inlet approximately four and one-half feet from floor level and a flexible hose approximately five feet long including a lightweight, shampoo-type, spray attachment;

(g) Grab bars including:

(i) One horizontal grab bar a minimum of forty-eight inches long at the side of each standard bathtub with an "L" shaped bar at the faucet end;

(ii) At least one horizontal grab bar at the faucet end of each peninsular bathtub; and

(iii) A horizontal grab bar on two sides of each shower stall with an "L" shaped bar on the shower head side;

~~((Nourishment room in each facility including:~~

~~((i) Space for waste containers;~~

~~((ii) Equipment:~~

~~((A) Refrigerator;~~

~~((B) Ice machine;~~

~~((C) Sink with work counter; and~~

~~((D) Storage for utensils and foodstuffs;~~

~~((i))~~ Waiting room or area;

(4) Provide patient rooms with:

(a) Maximum capacity of two beds per patient room;

(b) Minimum usable floor space per bed exclusive of areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms of:

(i) Eighty-five square feet in multibed rooms; and

(ii) One hundred square feet in one-bed rooms;

(c) Minimum dimensions of:

(i) Eleven feet for multibed rooms; and

(ii) Three feet between the sides and the foot of the bed and any wall, fixed obstruction, or other bed;

(d) Space for wheelchair storage;

~~((Equipment including:~~

~~((i))~~ The provision for patient privacy in all rooms;

~~((ii))~~ (f) One wardrobe, closet, or locker per bed for hanging of full-length garments and a securable drawer for personal effects; and

~~((iii))~~ (g) A ~~((lavatory))~~ handwash sink in each multibed room;

(5) Provide a ~~((nurses))~~ nursing support station or equivalent including:

(a) ~~((A))~~ Charting surface;

(b) Confidential storage for patients' medical records;

(c) Storage for charting supplies;

(d) Clock; and

(e) Telephone;

(6) Provide staff facilities including:

(a) ~~((A))~~ Toilet;

(b) Securable storage for ~~((urses and))~~ personal effects apart from storage for patient care supplies and equipment;

(c) ~~((An))~~ Office for confidential management and staff communications; and

(d) ~~((A))~~ Conference room for confidential staff and family communication;

(7) Provide suitably equipped patient areas in the long-term care facility for:

- (a) Dining room;
- (b) Recreational activity; and
- (c) Dayroom with windows;

(8) Provide occupational therapy and physical therapy facilities as described (~~under WAC 248-18-675~~) in WAC 246-318-830 either in the long-term care unit or elsewhere in the hospital;

(9) Include the following features if planning to provide a protective facility for cognitively impaired patients:

- (a) Corridors with the following minimum widths:
 - (i) Ten feet;
 - (ii) Eight feet for a circular route allowing the patient to return to the patient's starting point without reversing direction; or
 - (iii) As permitted under chapter 248-14 WAC specifically for construction of facilities for the cognitively impaired;
- (b) Floors, walls, and ceiling surfaces displaying contrasting colors for identification;
- (c) Door thresholds of one-half inch or less;
- (d) Exits secured by alarms or doors requiring cognitive ability to open or other methods provided doors release upon activation of the fire alarm system and upon loss of power;
- (e) Instruction labels on door release devices requiring direction for use;
- (f) Secured outdoor space and walkways, when outdoor space is provided, including:
 - (i) Walls or fences at least six feet high and designed to prevent climbing and penetration;
 - (ii) Ambulation area with:
 - (A) Walking surfaces firm, stable, and free from abrupt changes in elevation; and
 - (B) Slip-resistant surfaces on areas subject to wet conditions;
 - (iii) Exits from the secured outdoor spaces and walkways releasing automatically upon activation of fire alarm signal or upon loss of power.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-99902 Appendix B—Dates of documents adopted by reference in chapter ~~((248-18))~~ 246-318 WAC.

- (1) National Fire Protection Association (NFPA), 99, Chapter 12, ~~((1987))~~ 1990. Required.
- (2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Handbook - five volumes: 1987 HVAC Systems and Applications; ~~((1983))~~ 1988 Equipment; ~~((1985))~~ 1989 Fundamentals; ~~((1986))~~ 1990 Refrigeration and 1991 HVAC Applications. Recommended.
- (3) Uniform Plumbing Code (~~Standards, WAC 51-16-060, as~~), 1991 edition, hereafter amended (~~(1985 edition))~~ by the state of Washington. Required.
- (4) National Fire Protection Association (NFPA), 99, Chapter 4, ~~((1987))~~ 1990. Required.
- (5) National Fire Protection Association (NFPA), ~~((90A-1985))~~ 90A-1989. Required.
- (6) ~~((Food Service Equipment Standards of the National Sanitation Foundation. Required.~~
- ~~(7) Recommended are:~~

~~(a) "Biosafety in Microbiological and Biomedical Laboratories," Appendix A; "Biological Safety Cabinet," United States Department of Health and Human Services, Publication No. (NIH) 88-8395, Second Edition, May 1988.~~

~~(b) "National Sanitation Foundation Standard No. 49 (NSF No. 49) for Class II Biohazard Cabinetry," revised June 1987.~~

~~(8))~~ Uniform Mechanical Code, ((WAC 51-16-040, as now and)) 1991 edition, hereafter amended by the state of Washington. Required.

~~((9) Underwriters Laboratories (UL), 181 Factory Made Air Ducts and Connectors, 1984 edition. Required.~~

~~(10) Sheet Metal and Air Conditioning Contractors' National Association, Inc., (SMACNA), Duct Liner Application Standard, 1985. Required.~~

~~(11) Compressed Gas Association, Inc., Pamphlet Number P-2.1-1983, "Recommendations for Medical-Surgical Vacuum Systems," 1983 edition. Recommended.~~

~~(12) Illuminating Engineers Lighting Handbook (IES), 1987 Application Volume. Recommended.~~

~~(13))~~ (7) National Fire Protection Association (NFPA) ((70-1987)) 70-1990. Required.

~~((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. Required.~~

~~(15) National Fire Protection Association (NFPA) 30-1987))~~ (8) Uniform Fire Code, Article 79, 1991 edition. Required.

~~((16))~~ (9) National Fire Protection Association (NFPA) 99, CHAPTER 7, ((1987)) 1990. Required.

~~((17))~~ (10) National Fire Protection Association (NFPA) 43C-1986. Required.

~~((18))~~ (11) National Council on Radiation Protection Handbook No. 49. Required.

~~((19) Chapter 51-10 WAC Washington State Regulations for Barrier-Free Facilities, second edition. Required.~~

~~(20))~~ (12) Uniform Building Code ((Standards, WAC 51-16-030, as now and)), 1991 edition, hereafter amended by the state of Washington. Required.

~~((21) Chapter 248-54 WAC Public Water Supplies. Required.~~

~~(22) Chapter 248-92 WAC Public Sewage. Required.~~

~~(23) Chapter 248-96 WAC On-Site Sewage Disposal. Required.~~

~~(24) National Institute for Occupational Safety and Health (NIOSH) Standard. Required.~~

~~(25))~~ (13) Chapter 212-12 WAC Fire Marshal Standards. Required.

~~((26) Guidelines for Construction and Equipment of Hospital and Medical Facilities, Department of Health and Human Services, 1987. Required.~~

~~(27) Chapter 402-24 WAC Standards for Protection Against Radiation. Required.~~

~~(28) WAC 296-62-07353 General Occupational Health Standards for Ethylene Oxide. Required.)~~ (14) National Fire Protection Association (NFPA), 101, 1988 edition. Required.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-318-799 Infant formula facilities.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-820 Psychiatric ((unit construction) facilities. Hospitals planning new construction of a psychiatric unit shall:

(1) Follow the general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage ((under WAC 248-18-719)) in WAC 246-318-540, with:

(a) All windows and relites located in rooms or areas accessible to patients:

(i) Meeting requirements ~~((under WAC 248-18-719))~~ in WAC 246-318-540 (l)(i); and

(ii) Installation of security or maximum security windows or equivalent;

(b) Tamper-resistant accessories and equipment in patient rooms, toilet rooms, and bathrooms;

(c) Tamper-resistant electrical receptacles in all patient rooms and areas;

(d) Design to prevent opportunity for suicide.

(2) ~~((Meet general requirements for certain service facilities under WAC 248-18-711 (3) or (4), (6), (7), (8) or (9), and (10) with locks on))~~ Provide support facilities meeting requirements in WAC 246-318-550(3) clean materials room; or WAC 246-318-550(4) clean utility room; WAC 246-318-550(6) housekeeping supply room; WAC 246-318-550(7) medication distribution facility; WAC 246-318-550(8) soiled materials room; or WAC 246-318-550(9) soiled utility room; and WAC 246-318-550(10) nourishment facilities with provision for bulk ice. All doors for house-keeping, medications, storage, and utility rooms shall be equipped with locks.

(3) Provide psychiatric facilities including:

(a) Location avoiding traffic and penetration of objectionable heat, noise, or odors from other areas of the hospital;

(b) Examination room, unless available in an adjacent area or unit, with:

(i) Minimum floor space of one hundred square feet;

(ii) Minimum dimension of eight feet; and

(iii) The following equipment:

(A) Medical emergency signal devices;

(B) ~~((Lavatory or))~~ A handwash sink;

(C) A clock with sweep second hand or equivalent;

(D) An oxygen outlet;

(E) A suction outlet;

(F) A work surface; and

(G) A storage cabinet.

(c) Toilet rooms with water closets in ratio of at least one water closet to every four beds.

(d) At least one wheelchair accessible toilet available on the unit.

(e) A staff toilet available on the unit.

(f) Patient bathing facilities with:

(i) Showers or tubs in the ratio of at least one bathing facility per eight beds; and

(ii) At least one wheelchair accessible shower on the psychiatric unit.

(g) ~~((Nourishment station in an area serving clean functions only with:~~

~~(i) Space for waste containers;~~

~~(ii) The following equipment:~~

~~(A) Refrigerator;~~

~~(B) Ice machine;~~

~~(C) Work counter;~~

~~(D) Sink; and~~

~~(E) Storage for utensils and foodstuffs.~~

~~(h)) Administrative facilities with:~~

(i) Storage for personal effects of staff apart from storage for patient care supplies and equipment;

(ii) Office or private area for staff and supervisory activities; and

(iii) Conference room for confidential ~~((staff/patient/family))~~ communications on or adjacent to the unit.

~~((i) A))~~ (h) Waiting area adjacent to the unit;

~~((j))~~ (i) A wheelchair accessible:

(i) Water fountain; and

(ii) Public telephone.

~~((k))~~ (j) Patient laundry facility with:

(i) A handwash sink ((or lavatory));

(ii) Clothes washer;

(iii) Clothes dryer;

(iv) Lockable storage facilities; and

(v) Counter.

(4) Provide patient rooms including:

(a) Maximum capacity of two beds per patient room;

(b) Minimum usable floor space per bed, exclusive of areas taken up by passage door swings, closets, wardrobes, portable lockers and toilet rooms, of:

(i) Eighty square feet in multi-bed rooms; and

(ii) One hundred square feet in one-bed rooms.

(c) Minimum dimension of eleven feet for multi-bed rooms.

(d) The following equipment:

(i) Provision for patient privacy in all multi-bed rooms; and

(ii) A wardrobe, closet, or locker per bed, designed to prevent suicide, for garments and storage of personal effects.

(5) Provide a ~~((nurses'))~~ nursing support station or equivalent with:

(a) ~~((Charting))~~ A writing surface;

(b) Storage for ~~((~~

~~((patient((s')) charts((; and~~

~~((Charting)) and supplies;~~

(c) A telephone; and

(d) A clock.

(6) Provide a seclusion room, unless provided on an adjacent nursing unit, with:

(a) Design to minimize potential for stimulation, escape, hiding, injury, or suicide;

(b) Maximum capacity of one patient;

(c) Doors to open outward;

(d) Minimum space of eighty square feet;

(e) Minimum dimension of eight feet;

(f) Staff-controlled, lockable, adjoining toilet room; and

(g) A provision for staff (~~(visualization of)~~) to see the occupant at all times.

(7) Provide suitably equipped areas which may be for multipurpose use (~~(combining activities below and)~~) including areas for:

- (a) Dining;
- (b) Occupational and recreational therapies;
- (c) Day room;
- (d) Physical activity and patient recreation on the unit or elsewhere on the hospital premises; and
- (e) Space and privacy for interviewing, group, family, and individual counseling.

(8) If electroconvulsive therapy (ECT) rooms are planned, provide:

- (a) Minimum area of one hundred fifty square feet;
- (b) Minimum dimension of twelve feet; and
- (c) The following equipment:
 - (i) Emergency call;
 - (ii) (~~(Lavatory or)~~) Handwash sink;
 - (iii) Treatment light;
 - (iv) Storage for supplies and equipment;
 - (v) Robe hook and shelf;
 - (vi) Space and electrical receptacles for ECT machine;
 - (vii) Oxygen and suction outlet;
 - (viii) Stretcher or treatment table or equivalent;
 - (ix) Space for emergency medical supplies and equipment;
 - (x) Space for anesthesia machine or cart and equipment;
 - (xi) Space for (EKG) electrocardiograph monitor; and
 - (xii) Clock with sweep second hand or equivalent.

(9) If ECT is performed, provide a recovery facility, which may be the patient room, with:

- (a) Location near ECT treatment room;
- (b) Oxygen and suction for each bed, stretcher, or cart;
- (c) Easy access to a clean and soiled utility room; and
- (d) Provisions for equipment, space, and functions required (~~(under WAC 248-18-256)~~) in WAC 246-318-310.

WSR 93-07-012
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 92-24—Filed March 5, 1993, 11:03 a.m., effective June 1, 1993]

Date of Adoption: March 4, 1993.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, proposed state-initiated amendments and new sections to the agriculture standards are made to include legislative amendments issued by 1992 SHB 2831, effective April 1, 1992, and other recommendations and requests from representative farmworker advocates where adequate justification indicated additional farm worker protection and hygiene practices were required.

Citation of Existing Rules Affected by this Order: Amending WAC 296-306-010 Purpose and scope; 296-306-012 Definitions applicable to all sections of this chapter; 296-306-035 Accident prevention program; 296-306-060 Personal protective equipment; 296-306-070 Farm shops; 296-306-105 Orchard ladders; 296-306-115 Bins, bunkers, hoppers, tanks, pits and trenches; 296-306-145 Electrical; 296-306-165 General requirements for all agricultural

equipment; 296-306-200 Rollover protective structures (ROPS) for tractors used in agricultural operations; 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors; 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in agriculture; 296-306-270 Overhead protection for operators of agricultural and industrial tractors; 296-306-27095 Exhibit B—Figures C-17 through C-34; 296-306-400 Posting requirements; and 296-306-40003 General requirements.

Statutory Authority for Adoption: Chapter 49.17 RCW. Pursuant to notice filed as WSR 92-21-106 on October 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: As a result of written and oral comments presented at 7 public hearings throughout the state, the proposed amendments and new sections are adopted with the following changes:

WAC 296-306-012 Definitions applicable to all sections of this chapter, subsection (7), the definition of "handling pesticides" is amended and adopted to reflect the United States Environmental Protection Agency interpretation.

WAC 296-306-035 Accident prevention program, this section is amended and adopted to include the requirement for employers to provide appropriate safety instruction to seasonal and temporary employers at the beginning of employment; and, changes the proposed frequency of foreman-crew safety meetings from "weekly" to "monthly." Adopted changes also delete the requirement for employers to maintain records of "walk-around" inspections.

WAC 296-306-060 Personal protective equipment, this section is amended and adopted deleting subsection (3), as unnecessary. Additional changes are made throughout the proposed amendments to the section to make the section equal to the United States Environmental Protection Agency worker protection standard.

WAC 296-306-061 Machinery and machine guarding and new sections WAC 296-306-061 through 296-306-08409, this section is amended and adopted to make chapter 296-24 WAC, Part C (WAC 296-24-150 through 296-24-20730) applicable to agricultural equipment. The section will not be effective until January 1, 1994. As stated in the section, the delayed implementation date is designed to provide further opportunity for the department, the agriculture industry and farmworker advocates to develop industry specific requirements for machinery and machine guarding.

The following proposed new sections have been deleted from this adoption: WAC 296-306-06101 Anchoring fixed machinery; 296-306-06103 Means to prevent slipping; 296-306-06105 Stopping machines during repair; 296-306-06107 Machine controls and equipment; 296-306-06109 Circular hand-fed ripsaws and crosscut table saws; 296-306-06111 Hand-fed crosscut table saws; 296-306-06113 Swing cutoff saws; 296-306-06115 Radial saws; 296-306-06117 Bandsaws and band resaws; 296-306-06119 Inspection and maintenance of machinery; 296-306-062 Definitions; 296-306-063 General requirements—Abrasive wheel grinders; 296-306-064 General requirements—Transmission belts; 296-306-06401 Belt, rope, and chain drives; 296-306-06403 Gears, sprockets, and chains; 296-306-06405 Guarding friction drives;

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296-306-06407 Keys, setscrews, and other projections; 296-306-06409 Collars and couplings; 296-306-06411 Standard guards—General requirements; 296-306-06413 Disk, shield, and "U" guards; 296-306-06415 Approved materials; 296-306-06417 Care of equipment; 296-306-067 Power lawnmowers; 296-306-06701 Definitions; 296-306-06703 General requirements; 296-306-06705 Walk-behind and riding rotary mowers; 296-306-06707 Walk-behind rotary mowers; 296-306-06709 Riding rotary mowers; 296-306-068 Jacks; 296-306-06801 Jack definitions; 296-306-06803 Loading and marking; 296-306-06805 Operation and maintenance; 296-306-081 Hand and portable powered tools and equipment—General; 296-306-08101 General requirements; 296-306-08103 Compressed air used for cleaning; 296-306-08105 Compressed air tools, 296-306-082 Guarding of portable powered tools; 296-306-08201 Portable powered tools; 296-306-083 Pneumatic powered tools and hose; 296-306-08301 Portable tools; 296-306-08307 Airhose; 296-306-084 Portable abrasive wheels; 296-306-08401 Abrasive wheel definitions; 296-306-08403 General requirements; 296-306-08405 Vertical portable grinders; 296-306-08407 Other portable grinders; and 296-306-08409 Mounting and inspection of abrasive wheels.

WAC 296-306-105 Orchard ladders, this section is amended and adopted to include a statement that orchard ladders purchased or built on or after the effective date of this section (June 1, 1993) shall meet the stated construction requirements. Changes also clarify the meaning of the top two steps by adding "(the top cap and the next step down)" to subsection (2)(b).

WAC 296-306-145 Electrical, this section is amended and adopted to make chapter 296-24 WAC, Part C (WAC 296-24-150 through 296-24-20730) applicable to the agricultural industry. The section will not be effective until January 1, 1994. As stated in the section, the delayed implementation date is designed to provide further opportunity for the department, the agriculture industry and farmworker advocates to develop industry specific requirements for electrical.

The following proposed new sections have been deleted from this adoption: WAC 296-306-14501 General requirements; 296-306-14503 Wiring design and protection; 296-306-14505 Wiring methods, components, and equipment for general use; 296-306-14507 Hazardous (classified) locations; 296-306-14509 Working on or near exposed energized parts; 296-306-146 Definitions applicable to WAC 296-306-145 through 296-306-148; 296-306-147 Selection and use of work practices; and 296-306-148 Personal protective equipment for electrical applications.

WAC 296-306-330 Emergency washing facilities for pesticide handlers, this proposed new section is extensively amended to be more similar to the requirements of the United States Environmental Protection Agency regulations as they relate to decontamination, for washing off pesticides and pesticide residues. The new title to this section is Decontamination. This section also defines how much water must be available for washing and requires eyewashes.

The following proposed new section has been deleted from this adoption, since it is included above: WAC 296-306-33001 Decontamination after pesticides handling activities.

WAC 296-306-40007 Emergency medical care information, subsection (1) is amended and adopted to include the

name of the nearest emergency medical-care facility as required information to be posted. This section is made to be identical to the United States Environmental Protection Agency regulations.

WAC 296-306-40009 Emergency assistance, this section is amended and adopted to make a housekeeping change in the first paragraph by changing "worker" to "an employee." Subsection (1) is amended to read: "Make available to the worker prompt transportation *from the place of employment or the handling site* to an appropriate emergency medical facility. This section is made to be identical to the United States Environmental Protection Agency regulations.

WAC 296-306-40011 Cholinesterase monitoring for employees mixing, loading, or applying organophosphate pesticides, and/or early reentering of treated areas, this section is amended and adopted with clarification in subsection (2) regarding the data and as to what is the bioassay method.

The following sections are adopted as proposed: WAC 296-306-010 Purpose and scope; 296-306-070 Farm shops; 296-306-165 General requirements for all agricultural equipment; 296-306-200 Rollover protective structures (ROPS) for tractors used in agricultural operations; 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors; 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in agriculture; 296-306-270 Overhead protection for operators of agricultural and industrial tractors; 296-306-27095 Exhibit B—Figures C-17 through C-34; 296-306-400 Posting requirements; and 296-306-40003 General requirements.

Effective Date of Rule: June 1, 1993.

March 4, 1993
Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-306-010 Purpose and scope. (1) The standards in this chapter apply to all agricultural operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA). Agriculture operations are defined as all operations necessary to farming and ranching, including maintenance of equipment and machinery, and planting, cultivating, growing or raising, keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegetable, animal, fowl, fish, or insects or products thereof. Agricultural operations include all employers in one or more of the following Standard Industrial Classification (SIC) Codes:

- 0111 Wheat
- 0115 Corn
- 0119 Cash Grains NEC, Barley, Peas, Lentils, Oats, etc.
- 0133 Sugar Cane and Sugar Beets
- 0134 Irish Potatoes - All Potatoes except Yams
- 0139 Field Crops - Hay, Hops, Mint, etc.
- 0161 Vegetables and Melons, All Inclusive
- 0171 All Berry Crops

0172 Grapes
 0173 Tree Nuts
 0175 Deciduous Tree Fruits
 0179 Tree Fruits or Tree Nuts Not Elsewhere Clas-
 sified
 0181 Ornamental Floriculture and Nursery Products
 0182 Food Crops Grown Under Cover
 0191 General Farms, Primarily Crops
 0211 Beef Cattle Feedlots
 0212 Beef Cattle Except Feedlots - Cattle Ranches
 0213 Hogs
 0214 Sheep and Goats
 0219 General Livestock Except Dairy and Poultry
 0241 Dairy Farms
 0251 Broiler, Fryer, and Roaster Chickens
 0252 Chicken Eggs
 0253 Turkeys and Turkey Eggs
 0254 Poultry Hatcheries
 0259 Poultry and Eggs Not Elsewhere Classified
 0271 Fur Bearing Animals and Rabbits
 0272 Horses
 0273 Animal Aquaculture
 0279 Animal Specialties Not Elsewhere Classified
 0291 General Farms, Primarily Livestock and Ani-
 mal Specialties
 0711 Soil Preparation Services
 0721 Crop Planting, Cultivating, and Protecting
 0722 Crop Harvesting, Primarily by Machine
 0751 Livestock Services, Except Veterinary
 0761 Farm Labor Contractors
 0811 Timber Tracts, Christmas Tree Growing, Tree
 Farms
 0831 Forest Nurseries
 0851 Forestry Services - Reforestation

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

WAC 296-306-012 Definitions applicable to all sections of this chapter.

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" means approved by the director of the department of labor and industries or his authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provisions of WAC 296-24-006 shall apply.

(2) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(3) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

(4) "Department" means the department of labor and industries.

(5) "Director" means the director of the department of labor and industries, or designated representative.

(6) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: *Provided,* That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(7) "Handling pesticides" means:

(a) Mixing, loading, transferring, or applying pesticides.

(b) Disposing of pesticides or pesticide containers.

(c) Handling opened containers of pesticides.

(d) Acting as a flagger.

(e) Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

(f) Assisting with the application of pesticides.

(g) Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

(h) The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

(8) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

~~((9))~~ (9) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or

(2) In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

Note: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

~~(4) ((The air contaminant standards contained in WAC 296-62-073 through 296-62-07389 and 296-62-075 do not apply to chapter 296-306 WAC, Safety standards for agricultural code.~~

(5)) The requirement that the employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed or may become exposed in the course of their employment, shall apply to chapter 296-306 WAC.

~~((Note: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.))~~

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equipment to the actual working stress or safe load when in use.

~~((9))~~ (10) "Shall" or "must" means mandatory.

~~((10))~~ (11) "Should" or "may" means recommended.

~~((11))~~ (12) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries through the division of safety.

~~((12))~~ (13) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

~~((13))~~ (14) "Working day," for the purpose of appeals and accident reporting, means a calendar day, except Saturdays, Sundays, and legal holidays, as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

~~((14))~~ (15) "Workmen," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-035 Accident prevention program.

(1) The agricultural employer shall instruct all employees, including temporary and seasonal employees, in safe working practices. Such instruction shall be tailored to the types of hazards to which the employees will be exposed.

~~(2) (The agricultural employer or a delegated representative shall schedule and take part in monthly safety meetings with year-round employee(s), or representatives they may select.~~

~~(3) The employer shall conduct weekly inspections of job sites, materials, equipment and operating procedures. Findings from such inspections shall be discussed at safety meetings.~~

~~Note: Employers should consider the advantage of having an employee representative participate in such inspections.~~

~~(4) A record of safety meetings and inspections shall be kept by the employer. This record shall be made available to personnel of the department of labor and industries upon request.~~

~~(5)) Each employer shall develop an accident prevention program tailored to the needs of the particular farm or agricultural operation and to the types of hazards involved.~~

(3) Agricultural employers shall give appropriate safety instruction to seasonal employees and temporary crews at the beginning of employment.

(4) The following are minimal program elements, for all agricultural employers, to be included in the safety orientation program:

(a) How, when, and where to report injuries and illnesses, and the location of first-aid facilities.

(b) How to report unsafe conditions and practices.

(c) The use and care of personal protective equipment.

(d) What to do in emergencies.

(e) Identification of hazardous chemicals or materials and the instruction for their safe use.

(f) An on-the-job review of the practices necessary to perform job assignments in a safe and healthful manner.

(5) The accident prevention program shall be outlined in writing.

(6) Every employer shall conduct foreman-crew safety meetings as follows:

(a) Foreman-crew safety meetings shall be held at least monthly or whenever there are significant changes in job assignments. These meetings shall be tailored to the particular operation or activity occurring at the time.

(b) Attendance shall be documented.

(c) Subjects discussed shall be documented in the form of minutes.

(d) Short-term operations, such as harvesting, that lasts less than one week, do not require foreman-crew safety meetings but only require initial safety orientation for the operation.

(7) Minutes of each foreman-crew safety meeting shall be prepared and maintained at the location where the majority of employees report to work each day.

(8) Minutes for foreman-crew safety meetings shall be retained by employers for one year, and shall be made available upon request to personnel of the department of labor and industries.

(9) Every employer shall conduct at least monthly walk-around safety inspections of active jobsites, materials, and equipment involved and operating procedures.

(a) The walk-around safety inspections shall be conducted by a management representative.

(b) A representative chosen by employees shall be invited and allowed to accompany the management representative on the walk-around safety inspection.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-306-060 Personal protective equipment.

(1) Employers shall make certain that employees are protected from injury or impairment of any bodily function that might occur through absorption, inhalation or physical contact of any substance, vapor, radiation or mechanical irritant. Adequate protective equipment for eyes, face, head and extremities, protective clothing, respiratory devices, shields and barriers shall be provided at no cost to the employees and used wherever appropriate. Such equipment shall be maintained in sanitary and reliable condition.

(2) If employees provide their own protective equipment, the employer shall require that such equipment be adequate, and properly maintained and sanitary.

~~(3) (Every item of personal protective equipment shall be designed and constructed in such a way that it will be~~

~~safe to use for the work being done, and reasonably comfortable to wear.~~

(4)) Eye protectors shall be required wherever workers are exposed to flying objects, welding or cutting glare, injurious liquids, injurious radiation or any combination of these. Eye protectors shall meet the criteria of the American National Standard for Occupational and Educational Eye and Face Protection.

(a) The employer shall provide and require employees to wear eye protection and gloves whenever opening or pouring out pesticide containers, mixing, loading, or transferring pesticides or pesticide solutions, or washing or cleaning pesticide containers or tanks containing pesticides or applying pesticides with hand-held equipment, or adjusting, cleaning, or repairing pesticide application equipment containing pesticides.

(b) Eye protection and gloves as required above shall be initially provided at no cost to the employee, including replacement due to normal wear and tear thereafter.

(c) Unless otherwise stated by the pesticide label, eye protection shall be either goggles, splash face shields, safety glasses with front, brow, and temple protection, or a full-face respirator.

(d) Unless otherwise stated by the pesticide label, gloves shall be made of chemical resistant material as defined in this section, such as neoprene, nitrile rubber, or PVC. Leather, cotton, or other absorbent-type gloves shall not be worn.

(e) When gloves must be used as required in this section, employees shall be provided with clean gloves at the beginning of the work shift and at any time during the shift if the gloves become contaminated on the inside. Clean gloves are unused gloves or previously used gloves that have been washed with soap and water, inside and outside.

~~((5))~~ (4) The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply when respiratory protection is required by the pesticide label or when a permissible exposure limit of chemicals listed in the air contaminant standards of chapter 296-62 WAC are exceeded, or when respiratory protection is used to protect employees in oxygen-deficient atmospheres, or when respirators are used for emergency or rescue use.

(5) Pesticide personal protective equipment requirements.

(a) Any employee who works with or is exposed to pesticides shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(b) Personal protective equipment (PPE) for pesticide use means devices and apparel that are required by pesticide labeling to be worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, long-sleeved shirts, long-legged pants, and socks, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(c) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the employer shall provide the appropriate personal protective equipment in clean and operating condition at no cost to the employee, including replacement due to normal

wear and tear. Normal work clothing, including long-sleeved shirts, long-legged pants, and socks, do not need to be provided by employers.

(i) When "chemical-resistant" apparel is specified on the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(ii) When "waterproof personal protective equipment" are specified on the product labeling, they shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(iii) When a "chemical-resistant suit" is required by the product labeling, it shall be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(iv) When "coveralls" are specified on the product labeling, they shall be a loose-fitting, one- or two-piece garment, such as a cotton or cotton and polyester coveralls that cover, at a minimum, the entire body except head, hands, and feet. The pesticide product labeling may specify that coveralls be worn over another layer of clothing.

(v) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material may not be worn for the handling activities unless they are listed on the product labeling as acceptable for such use.

(vi) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(A) Chemical-resistant shoes.

(B) Chemical-resistant boots.

(C) Chemical-resistant shoe coverings worn over shoes or boots.

(vii) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(A) Goggles.

(B) Face shield.

(C) Safety glasses with front, brow, and temple protection.

(D) Full-face respirator.

(viii) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(ix) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The employer shall assure that the respirator fits correctly by using procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071.

(x) When "chemical-resistant headgear" is required, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(d) Exceptions to personal protective equipment specified on product labeling.

(i) Body protection.

(A) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(B) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(ii) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(iii) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses and other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for protection from pesticide exposure, thereafter they only shall be worn with chemical-resistant liners and they shall not be worn for any other use.

(iv) Closed systems. If handling tasks are performed using properly functioning systems designed by the manufacturer to enclose the pesticide to prevent it from contacting handlers or other persons and such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(iv)(A) and (B) of this subsection.

(A) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long-legged pants, shoes, socks, chemical-resistant apron, and any protective gloves specified on the labeling for handlers for the labeling-specified personal protective equipment.

(B) Persons using a closed system to mix or load pesticides other than those in (d)(iv)(A) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment.

(C) Persons using a closed system that operates under pressure shall wear protective eyewear.

(D) Persons using a closed system shall have all personal protective equipment specified on the pesticide label immediately available for use in an emergency.

(v) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (d)(v)(A) through (C) of this section.

(A) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(B) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist filtering respirator is specified on the pesticide product labeling, it must be worn.

(C) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and

maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by a governmental agency to provide respiratory protection equivalent to or greater than the vapor- or gas-removing respirator specified on the pesticide product labeling may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(D) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available inside the cab and shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it may not be worn into or taken into the cab. It must be removed before reentering the cab and must be stored outside the cab or be taken into the cab only in a closed chemical-resistant container. Occupants of an enclosed cab may exit and reenter the cab for the purposes of limited repairs or adjustments to the equipment after spraying is stopped and the vehicle is moved at least 20 feet outside the treated area.

(e) Use of personal protective equipment.

(i) The employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(ii) The employer shall assure that, before each use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(iii) The employee shall use the provided personal protective equipment in accordance with instructions and training received.

(iv) The employee shall notify the employer of any defects in personal protective equipment or when the equipment becomes contaminated.

(f) Cleaning and maintenance of personal protective equipment.

(i) The employer shall launder or have laundered all label-specified personal protective equipment, including long-sleeved shirts, long-legged pants and socks, according to the manufacturer's instructions or pesticide product labeling instructions before each day of reuse. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(ii) If any personal protective equipment cannot be cleaned properly, the employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall not be reused.

(iii) The employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(iv) The employer shall assure that all clean personal protective equipment shall be dried thoroughly before being stored or put in a well-ventilated place to dry.

(v) The employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(vi) The employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(A) When breathing resistance becomes excessive.

(B) When the filter element has physical damage or tears.

(C) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(D) In the absence of any other instructions or indications of service life, after eight hours of use.

(vii) The employer shall assure that when gas- and vapor-removing respirators are used the gas- or vapor-removing canisters or cartridges shall be replaced:

(A) At the first indication of odor, taste, or irritation.

(B) According to the manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(C) In the absence of any other instructions or indications of service life, after eight hours of use.

(viii) The employer shall inform any person who cleans or launders personal protective equipment for the employer and is not the wearer:

(A) That such equipment may be contaminated with pesticides.

(B) The name of the pesticides that may have contaminated this personal protective equipment.

(ix) The employer shall assure that handlers have clean place(s) away from pesticide-storage and pesticide-use areas where they may:

(A) Store personal clothing not in use.

(B) Put on label-specified personal protective equipment at the start of any exposure period.

(C) Remove label-specified personal protective equipment at the end of any exposure period.

(x) The employer shall not allow or direct any handler to wear home or to take home label-specified personal protective equipment, including long-sleeved shirts, long-legged pants or socks contaminated with pesticides.

(g) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the employer shall assure that no handler is allowed or directed to perform the handling activity unless the appropriate measures are implemented if necessary to prevent heat-related illness.

(6) Employers shall instruct each employee in the proper use of any item of personal protective equipment used. Such instruction shall include, but not be limited to, any special limitations or precautions indicated by the manufacturer.

((7) At least five gallons of water shall be supplied for emergency while using pesticides or herbicides.))

NEW SECTION

WAC 296-306-061 Machinery and machine guarding. Chapter 296-24 WAC, Part C shall apply to agriculture equipment effective February 1, 1994. Note: The delayed implementation date is to provide the opportunity for the department, agriculture industry, and farmworker advocates to develop agriculture specific machinery and machine guarding requirements for equipment that is unique to agri-

culture, which will take precedence over the requirements of chapter 296-24 WAC, Part C.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-070 ((Farm shops)) Reserved. ((Farm shops shall be exempt from these standards when the following conditions are met:

(1) When the shop equipment is used solely by the owner or others not covered by WISHA.

(2) When employees are not permitted in the shop while shop equipment is being operated.))

NEW SECTION

WAC 296-306-084 Portable abrasive wheels.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-105 Orchard ladders. (1) ((Orchard ladders shall be maintained in good condition at all times. Joints between steps and side rails shall be tight. All hardware and fittings shall be securely attached, and the movable parts shall operate freely, without binding or undue play.

(2) Ladders shall be inspected prior to being used. Those ladders which have developed defects shall be withdrawn from service for repair or discard.

(3) Rungs shall be kept reasonably free of any substance which would make them hazardous.

(4) Proper instruction in the use of orchard ladders shall be given each employee at the beginning of employment.))

Construction of orchard ladders. Orchard ladders purchased or built on or after the effective date of this section shall meet the following construction requirements:

(a) Orchard ladders longer than 16' shall not be used.

(b) The minimum dimensions of the parts of wood orchard ladders shall not be less than the following when made of group 2 or group 3 woods. (See Table S-2 for wood groups.)

	Length 6 to 10 ft.		Length 12 to 16 ft.	
	Thickness (inches)	Depth (inches)	Thickness (inches)	Depth (inches)
Side Rails	25/32	2 5/8	25/32	2 3/4
Back leg	1 1/2	1 1/2	1 5/8	1 5/8
Steps	25/32	2 5/8	25/32	2 5/8
Top	25/32	5	25/32	5

Note: The minimum thickness of side rails provides for the cutting of a groove 1/8" in depth with a tolerance of ±1/32". The thickness of the side rail shall be increased when grooves of greater depth are used.

(c) Steps shall be closely fitted into grooves in the side rails 1/8" in depth and secured with at least two 6d nails or equivalent; or they shall be closely fitted into metal brackets of equivalent strength, which in turn shall be firmly secured to the side rails.

(i) Each step shall be reinforced by:

(A) A steel rod not less than 0.160" in diameter, which shall pass through metal washers of sufficient size to prevent pressing into the side rails, and through a truss block which

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shall be fitted between the rod and the center of each step;
or

(B) A metal angle brace on each end firmly secured to the steps and side rails; or

(C) Construction of equivalent strength and safety.

(ii) Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails.

(iii) All steps 27" or more in length shall be provided with a metal angle brace at each end securely attached to the step and rail.

(d) Width and spread. The minimum width between side rails at the step of highest allowable standing, shall be not less than 9 1/2". From top to bottom the side rails shall spread at least an average of 2 1/2" for each foot of ladder length.

(e) Top. All orchard ladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back leg without excessive play or wear at the joints.

(f) Aluminum ladders shall be constructed out of 6061-T6 aluminum alloy or equivalent.

(g) Steps on metal ladders shall be corrugated, knurled, dimpled, or otherwise treated to minimize the possibility of slipping.

TABLE S-2
GROUPING OF WOODS

Group 1

<u>White Ash</u>	<u>Locust</u>
<u>Beech</u>	<u>Hard Maple</u>
<u>Birch</u>	<u>Red Oak</u>
<u>Rock Elm</u>	<u>White Oak</u>
<u>Hickory</u>	<u>Pecan</u>
	<u>Persimmon</u>

Group 2

<u>Douglas Fir (coast region)</u>
<u>Western Larch</u>
<u>Southern Yellow Pine</u>

Group 3

<u>Red Alder</u>	<u>Gum</u>
<u>Oregon</u>	<u>West Coast</u>
<u>Ash</u>	<u>Hemlock</u>
<u>Pumpkin Ash</u>	<u>Magnolia</u>
<u>Alaska Cedar</u>	<u>Oregon Maple</u>
<u>Port Orford</u>	<u>Norway Pine</u>
<u>Cedar</u>	<u>Poplar</u>
<u>Cypress</u>	<u>Redwood</u>
<u>Soft Elm</u>	<u>Eastern Spruce</u>
<u>Douglas Fir (Rocky Mtn. Region)</u>	<u>Sitka Spruce</u>
<u>Noble Fir</u>	<u>Sycamore</u>
	<u>Tamarack</u>
	<u>Tupelo</u>

Group 4

<u>Aspen</u>	<u>Eastern Hemlock</u>
<u>Bashwood</u>	<u>Holly</u>
<u>Buckeye</u>	<u>Soft Maple</u>
<u>Butternut</u>	<u>Idaho White Pine</u>
<u>Incense Cedar</u>	<u>Northern White Pine</u>
<u>Western Red Cedar</u>	<u>Ponderosa Pine</u>
<u>Black Cottonwood</u>	<u>Sugar Pine</u>
<u>White Fir</u>	
<u>Hackberry</u>	

(2) Training and instruction on the use of ladders.

(a) At the beginning of employment, employers shall provide employees with orientation and training on the proper use of ladders including how to set a ladder and properly dismount with a full load.

(b) Employers shall instruct employees to not stand on the top two steps (the top cap and the next step down) of the ladder.

(c) Employers shall instruct employees to not step off the ladder onto branches of trees except onto the main crotch of the tree.

(d) Employers shall instruct employees to not overreach while standing on the ladder to prevent ladder upset.

(3) Care and use of orchard ladders.

(a) Employers shall not require or direct employees to stand on the top two steps of the orchard ladder.

(b) Orchard ladders shall be maintained in good condition at all times. Joints between steps and side rails shall be tight. All hardware and fittings shall be securely attached, and the moveable parts shall operate freely without binding or undue play.

(c) Ladders shall be inspected prior to being used. Those ladders which have developed defects shall be withdrawn from service for repair or discard.

(d) Rungs shall be kept reasonably free of any substance which would make them hazardous.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-115 Bins, bunkers, hoppers, tanks, pits and trenches. (1) No employee shall enter any bin, bunker, hopper or similar area when there is a danger that loose materials (such as chips, sand, grain, gravel, sawdust, etc.) may collapse around the worker, unless the worker wears a safety belt with a lifeline attached and is attended by a helper.

Note: Silage pits are exempt from this section.

(2) When employees are required to work in a trench or a pit 4 feet or more in depth, the trench or the pit shall be shored or shall be sloped to the angle of repose as shown in the following table:

((Solid rock, shale or cemented sand and gravel—Vertical—(90°)
Compacted gravels—1/2:1—(63°)
Average soils—1:1—(45°)
Compacted sharp sand—1 1/2:1—(34°)
Rounded, loose sand or gravel—2:1—(27°)
Clay, silt, loam—shoring required

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Note: ~~Silage pits are exempt from this section.)~~

TABLE -1
MAXIMUM ALLOWABLE SLOPES

SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H:V) ⁽¹⁾ FOR EXCAVATIONS LESS THAN 20 FEET DEEP ⁽²⁾
STABLE ROCK	VERTICAL (90°)
TYPE A (2)	3/4:1 (45°)
TYPE B	1:1 (45°)
TYPE C	1 1/2:1 (37°)

NOTES:

- Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.
- A short-term maximum allowable slope of 1/2H:1V (33°) is allowed in excavations in Type A soil that are 12 feet (3.67 m) or less in depth. Short-term maximum allowable slopes for excavations greater than 12 feet (3.67 m) in depth shall be 3/4H:1V (37°).
- Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

(3) Requirements—Classification of soil and rock deposits.

(a) Each soil and rock deposit shall be classified by a competent person as Stable Rock, Type A, B, or C according to the definitions set forth in WAC 296-155-66401.

(b) Basis of classification. The classification of the deposits shall be made based on the results of at least one visual and at least one manual analysis. Such analyses shall be conducted by a competent person using tests in recognized methods of soil classification and testing such as those adopted by the American Society for Testing Materials, or the U.S. Department of Agriculture textural classification system.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-145 Electrical. ((General requirements.

(1) Main disconnects. To avoid accidental starts of machinery during maintenance or clean up, the main disconnect(s) of machines shall first be locked out or disconnected from the power source.

Note: ~~(Temporary) All 15 and 20 ampere receptacle outlets on single phase circuits may have approved ground fault circuit protection.~~

EXCEPTION: For branch circuit extensions only in existing installations which do not have a grounding conductor in the branch circuit, the grounding conductor of a grounding type receptacle outlet may be grounded to a metal cold water pipe near the equipment.

(2) Electric wire fences shall be controlled by a U.L. approved control box which regulates both voltage and amperage.

(3) Whenever work is performed near outside energized electrical conductors, employees and equipment shall be kept at least ten feet away from such conductors.

Note: ~~Special precautionary instructions shall be given to employees handling portable metal irrigation pipe near energized circuits.~~

(4) After October 25, 1976, the following additional rules shall apply for electrical power sources:

(a) All circuit protection devices, including those which are an integral part of a motor, shall be of the manual reset type, except where:

~~(i) The employer can establish that because of the nature of the operation, distances involved, and the amount of time normally spent by employees in the area of the affected equipment, use of the manual reset device would be infeasible;~~

~~(ii) There is an electrical disconnect switch available to the employee within 15 feet of the equipment upon which maintenance or service is being performed; and~~

~~(iii) A sign is prominently posted near each hazardous component which warns the employee that unless the electrical disconnect switch is utilized, the motor could automatically reset while the employee is working on the hazardous component.)~~ Chapter 296-24 WAC, Part L shall apply to agriculture industry effective February 1, 1994.

Note: The delayed implementation date is to provide the opportunity for the department, agriculture industry, and farmworker advocates to develop electrical requirements for electrical applications that are unique to agriculture, which will take precedence over the requirements of chapter 296-24 WAC, Part L.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-306-165 General requirements for all agricultural equipment. (1) Definitions.

(a) "Agricultural equipment" means equipment used in production or handling of agricultural products.

(b) "Agricultural field equipment" means tractors, self-propelled implements, implements and combinations thereof used in agricultural operations.

(c) "Agricultural tractor" means a two-wheel or four-wheel drive type vehicle, or a track vehicle, of more than twenty net engine horsepower (continuous brake power rating per Society of Automotive Engineers (SAE) J816b - or the power recommended by the manufacturer for satisfactory operation under the manufacturer specified continuous duty conditions), designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

(d) "Augers" means screw conveyors and related accessories designed primarily for conveying agricultural materials on farms.

(e) "Constant-running drives" means those drives which continue to rotate when the engine is running. (With all clutches disengaged.)

(f) "Farm field equipment" means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

(g) "Farmstead equipment" means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

(h) "Guarding by location" means a component may be considered guarded by location when, because of its location, it does not present a hazard during operation or maintenance. A component seven feet or more above a working surface is considered guarded by location.

(i) "Ground-drive equipment" means equipment using power supplied by its pulled wheels to move gears, chains, sprockets, belts, pulleys, augers, tines, etc.

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(j) "Low profile tractor" means a wheel or track equipped vehicle possessing the following characteristics:

(i) The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.

(ii) The clearance from the bottom of the tractor chassis to the ground does not exceed eighteen inches.

(iii) The highest point of the hood does not exceed sixty inches, and

(iv) The tractor is designed so that the operator straddles the transmission when seated.

(k) A "guard" or "shield" is a barrier which insures that no part of an employee may come into contact with a hazard created by a moving machinery part.

(l) "Power take-off shafts" are the shafts and knuckles between the tractor, or other power source, and the first gear set, pulley, sprocket, or other components on power take-off shaft driven equipment.

(2) Immediate priority shall be given to guarding of power take-off drives on all tractors and equipment. These must be guarded no later than January 1, 1976.

(3) All other power transmission components must be guarded on all equipment manufactured on or after January 1, 1976.

(4) If unguarded power transmission components on older field equipment show evidence that they were once guarded, the guards shall be replaced by January 1, 1976.

(5) The manufacturer's instruction manual, if published by the manufacturer and currently available, shall be the source of information for the safe operation and maintenance of field equipment.

(6) The employer shall establish a written program consisting of an energy control procedure, employee training, and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine, equipment, system, or process shall be isolated, and rendered inoperative. Whenever major replacement, repair, renovation, relocation, or modification of machines or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such machines or equipment shall be designed to accept a lockout device.

(7) Operating instructions. At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including at least the following safe operating practices:

(a) Keep all guards in place when the machine is in operation;

(b) Passengers, other than persons required for instruction or machine operation shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.

(c) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees

as to all steps and procedures which are necessary to safely service or maintain the equipment;

(d) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(e) Lock out electrical power before performing maintenance or service on farmstead equipment.

~~((7))~~ (8) Methods of guarding. Except as otherwise provided in this chapter, each employer shall protect employees from coming into contact with moving machinery parts as follows:

(a) Through the installation and use of a guard or shield or guarding by location;

(b) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence.

~~((8))~~ (9) Strength and design of guards.

(a) Where guards are used to provide the protection required by this section, they shall be designed and located to prevent inadvertent contact with the hazard being guarded.

(b) Unless otherwise specified, each guard and its supports shall be capable of withstanding the force that a two hundred fifty pound individual, leaning on or falling against the guard, would exert upon that guard.

(c) Guards shall be free from burrs, sharp edges, and sharp corners, and shall be securely fastened to the equipment or building.

~~((9))~~ (10) Guarding by railings. Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

~~((10))~~ (11) Servicing and maintenance. Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that:

(a) The equipment must be running to be properly serviced or maintained;

(b) The equipment cannot be serviced or maintained while a guard or guards are in place; and

(c) The servicing or maintenance is safely performed.

~~((11))~~ (12) Shields, guards and access doors that will prevent accidental contact with rotating machine parts on constant-running drives shall be in place when the machine is running. This requirement shall not apply to combines where such guards could create fire hazards.

~~((12))~~ (13) A guard or shield on stationary equipment shall be provided at the mesh point or pinch point where the chain or belt contacts the sprocket or pulley. Revolving shafts shall be guarded by a standard safeguard unless guarded by location. Shafts that protrude less than one-half the outside diameter of the shaft are exempt from this section.

~~((13))~~ (14) Projections, such as exposed bolts, keys, or set screws on sprockets, sheaves or pulleys on stationary equipment shall be shielded unless guarded by location.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-306-200 Rollover protective structures (ROPS) for tractors used in agricultural operations. (1)

Scope. Agricultural tractors manufactured after October 25, 1976, shall meet the requirements in this section.

Note: The promulgation of specific standards for rollover protective structures for rubber-tired skid-steer equipment is reserved pending promulgation of specific standards to cover such equipment. ROPS requirements contained in this section do not apply to rubber-tired skid-steer equipment used in agricultural operations.

(2) Rollover protective structure. A rollover protective structure (ROPS) shall be provided by the employer for each tractor operated by an employee. Except as provided in subsection (6) of this section, ROPS used on wheel-type tractors shall meet the test and performance requirements of WAC 296-306-250 through 296-306-25023 and ROPS used on track-type tractors shall meet the test and performance requirements of WAC 296-306-260 through 296-306-270. (See ROPS Design and Testing Criteria Addendum.)

(3) Seatbelts.

(a) Where ROPS are required by this section, the employer shall:

(i) Provide each tractor with a seatbelt which meets the requirements of this subsection;

(ii) Require that each employee uses such seatbelt while the tractor is moving; and

(iii) Require that each employee tightens the seatbelt sufficiently to confine the employee to the protected area provided by the ROPS.

(b) Each seatbelt shall meet the requirements set forth in (~~Society of Automotive Engineers Standard SAE J4C, 1965~~) ANSI/SAE J800 April 1986 Motor Vehicle Seat Belt Assemblies,* except as noted hereafter:

(i) Where a suspended seat is used, the seatbelt shall be fastened to the movable portion of the seat to accommodate a ride motion of the operator.

(ii) The seatbelt anchorage shall be capable of withstanding tensile loading as required by WAC 296-306-275 (1) and (2).

(iii) The seatbelt webbing material shall have a resistance to acids, alkalis, mildew, aging, moisture and sunlight equal to or better than that of untreated polyester fiber.

(4) Protection from spillage. Batteries, fuel tanks, oil reservoirs and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator in the event of an upset.

(5) Protection from sharp surfaces. All sharp edges and corners at the operator's station shall be designed to minimize operator injury in the event of an upset.

(6) Exempted uses. Subsections (2) and (3) of this section do not apply to the following uses:

(a) "Low profile" tractors while they are used in orchards, vineyards or hop yards where the vertical clearance requirements would substantially interfere with normal operations, and while their use is incidental to the work performed therein.

(b) "Low profile" tractors while used inside a farm building or greenhouse in which the vertical clearance is insufficient to allow a ROPS equipped tractor to operate, and while their use is incidental to the work performed therein.

(c) Tractors while used with mounted equipment which is incompatible with ROPS (e.g., compickers, cotton strippers, vegetable pickers and fruit harvesters.)

(d) Track-type agricultural tractors whose overall width (as measured between the outside edges of the tracks) is at least three times the height of their rated center of gravity, and whose rated maximum speed in either forward or reverse is not greater than seven miles per hour, when used only for tillage or harvesting operations and while their use is incidental thereto, and which:

(i) Does not involve operating on slopes in excess of forty percent from horizontal; and

(ii) Does not involve operating on piled crop products or residue, as for example, silage in stacks or pits, and

(iii) Does not involve operating in close proximity to irrigation ditches, streams or other excavations more than two feet deep which contain slopes of more than forty percent from horizontal; and

(iv) Does not involve construction-type operation, such as bulldozing, grading or land clearing.

(7) Remounting. Where ROPS are removed for any reason, they shall be remounted so as to meet the requirements of this subsection.

(8) Labeling. Each ROPS shall have a label, permanently affixed to the structure, which states:

(a) Manufacturer's or fabricator's name and address;

(b) ROPS model number, if any;

(c) Tractor makes, models, or series numbers that the structure is designed to fit; and

(d) That the ROPS model was tested in accordance with the requirements of this section.

(9) Operating instructions. Every employee who operates an agricultural tractor shall be informed of the operating practices contained in Exhibit A of this section and of any other practices dictated by the work environment. Such information shall be provided at the time of initial assignment and at least annually thereafter.

* Copies may be obtained from the (~~Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, PA 15096~~) American National Standards Institute, 11 West 42nd Street, New York, N.Y. 10036.

EXHIBIT A

EMPLOYEE OPERATING INSTRUCTIONS

1. Securely fasten your seat belt if the tractor has a ROPS.
2. Where possible, avoid operating the tractor near ditches, embankments and holes.
3. Reduce speed when turning, crossing slopes and on rough, slick or muddy surfaces.
4. Stay off slopes too steep for safe operation.
5. Watch where you are going, especially at row ends, on roads and around trees.
6. Passengers, other than persons required for instruction or machine operation, shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.
7. Operate the tractor smoothly—no jerky turns, starts, or stops.
8. Hitch only to the drawbar and hitch points recommended by tractor manufacturers.
9. When tractor is stopped, set brakes securely and use park lock if available.

(~~Note: See Number LI-414-28.~~)

(10) Training.

(a) Every employee who operates an agriculture tractor shall be trained specifically in the operation of the tractor to be used. Such training shall include an orientation of the operator to the topographical features of the land where the tractor will be operated. Training shall emphasize safe operating practices to avoid roll-over.

(b) The tractor training program shall be described in the written accident prevention programs required by WAC 296-306-035(7).

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors. (1) Definitions. For purposes of this section, "vehicle weight" means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equipment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle plus the heaviest attachment.

(2) General.

(a) This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in subsection (7) of this section for each type of machine described in this subsection.

(3) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(a) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(b) For motor graders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum((f-3)).

(c) For crawler tractors and crawler-type loaders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°.

(4) Facilities and apparatus.

(a) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to ensure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflection and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure ((V-1)) C-17 for all types of equipment to which this section applies; and in Figure ((V-2)) C-18 for rubber-tired self-propelled scrapers; Figure ((V-3)) C-19 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure ((V-4)) C-20 for crawler tractors and crawler-type loaders.

(b) Table V-1 contains a listing of the required apparatus for all types of equipment described in subsection (2)(a) of this section.

TABLE V-1

Means to measure	Accuracy
Deflection of ROPS, inches	± 5 % of deflection measured.
Vehicle weight, pounds	± 5 % of the weight measured.
Force applied to frame, pounds	± 5 % of force measured.
Dimensions of critical zone, inches.	± 0.5 in.

(5) Vehicle condition. The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

(6) Test procedure. The test procedure shall include the following, in the sequence indicated:

(a) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure ((V-1, V-2 or V-3)) C-17, C-18 or C-19 as applicable. The distributed load must be applied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be offcenter, the load shall be applied on the offcenter side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure ((V-5)) C-21.

Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under subsection (7) of this section has been reached or surpassed.

(b) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure ((V-1)) C-17). The load magnitude is specified in subsection (6)(b)(iii) of this section.

(c) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see subsection (7)(b)(iv) of this section).

(7) Performance requirements.

(a) General performance requirements.

(i) No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deforma-

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tion of the ROPS shall not allow the plane of the ground to enter this zone.

(b) Specific performance requirements.

(i) The energy requirement for purposes of meeting the requirements of subsection (6)(a) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure ((~~V-6~~)) C-22 for rubber-tired self-propelled scrapers; Figure ((~~V-7~~)) C-23 for rubber-tired front-end loaders and rubber-tired dozers; Figure ((~~V-8~~)) C-24 for crawler tractors and crawler-type loaders; and Figure ((~~V-9~~)) C-25 for motor graders. For purposes of this section force and weight are measured as pounds (lb.); energy (U) is measured as inch-pounds).

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure ((~~V-10~~)) C-26 for rubber-tired self-propelled scrapers; in Figure ((~~V-11~~)) C-27 for rubber-tired front-end loaders and rubber-tired dozers; in Figure ((~~V-12~~)) C-28 for crawler tractors and crawler-type loaders; and in Figure ((~~V-13~~)) C-29 for motor graders.

(iii) The load magnitude for purposes of compliance with subsection (6)(b) of this section is equal to the vehicle weight. The test of load magnitude shall only be made after the requirements of subdivision (b)(i) of this subsection are met.

(iv) Material used in the ROPS must have the capability of performing at zero degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 foot-pounds at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products. The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and stress raisers which cannot be entirely avoided on welded structures.

(8) Source of standard. This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front-End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the district offices of the division of industrial safety and health of the department of labor and industries.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in agriculture.

(1) Definitions applicable to this section.

(a) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than

20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this chapter applies only to agriculture work, the following definition of "agricultural tractor" is adopted for purposes of this part: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, which is designed to furnish the power to pull, propel, or drive implements.

(b) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in WAC 296-306-26001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(c) The following symbols, terms, and explanations apply to this section:

E_{is} = Energy input to be absorbed during side loading.
 $E_{is} = 723 + 0.4 W \text{ ft.-lb. } (E'_{is} = 100 + 0.12 W', \text{m.-kg.})$

E_{ir} = Energy input to be absorbed during rear loading.
 $E_{ir} = 0.47 W \text{ ft. - lb. } (E'_{ir} = 0.14 W', \text{m. - kg.})$

W = Tractor weight as prescribed in WAC 296-306-265 (5)(a) and (5)(c) in lb. (W', kg).

L = Static load, lb. (kg.).

D = Deflection under L, in. (mm.).

L-D = Static load-deflection diagram.

Lm-Dm = Modified static load-deflection diagram (Figure ((~~V-20~~)) C-30). To account for increase in strength due to increase in strain rate, raise L in plastic range to $L \times K$.

K = Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010-1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p. 3.

L_{max} = Maximum observed static load.

Load

Limit = Point on L-D curve where observed static load is 0.8 L_{max} (refer to Figure ((~~V-19~~)) C-5).

E_u = Strain energy absorbed by the frame, ft.-lb. (m. - kg) area under Lm-Dm curve.

FER = Factor of energy ratio, $FER = E_u/E_{is}$; also = E_u/E_{ir} .

P_b = Maximum observed force in mounting connection under static load, L, lb. (kg.).

FSB = Design margin for mounting connection $FSB = (P_u/P_b) - 1$.

H = Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H', mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: $H = 4.92 + 0.00190 W$ or $(H' = 125 + 0.107 W')$ (Figure ((~~V-24~~)) C-7).

(d) Source of standard. The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE handbook.

(2) General.

(a) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel-type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of WAC 296-306-260 and 296-306-270 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(b) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure ~~((V-15))~~ C-10.

(c) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided*, That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of subsection (10) of this section.

(d) For overhead protection requirements, see WAC 296-306-270.

(e) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements.

(3) Applicability. The requirements of this section apply to wheel-type agricultural tractors used in agriculture work and to wheel-type industrial tractors used in construction type work. See subsection (1) of this section for definitions of agricultural tractors and industrial tractors.

(4) Performance requirements.

(a) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in subsection (10) of this section.

(b) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(c) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(5) Test procedure—General.

(a) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(b) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(c) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(d) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(e) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(f) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with WAC 296-306-26001 (7)(b)(iv).

(6) Test procedure for vehicle overturn.

(a) Vehicle weight. The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(b) Agricultural tractors shall be tested at the weight set forth in subdivision (a) of this subsection.

(c) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subdivision (a) of this subsection.

(d) The test shall be conducted on a dry, firm soil bank as illustrated in Figure ~~((V-16))~~ C-2. The soil in the impact area shall have an average cone index in the 0.6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendations ASAE R313, Soil Cone Penetrometer. The path of travel of the vehicle shall be $12^\circ \pm 2^\circ$ to the top edge of the bank.

(e) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure ~~((V-16))~~ C-2 to assist in tipping the vehicle.

(f) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

(g) Vehicle overturn test—Sideways and rearward.

(i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subdivision (e) of this subsection to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3-5 m.p.h. (4.8-8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(7) Other test procedures. When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in subsection (8) or (9) of this section, shall be made.

(8) Static test.

(a) Test conditions.

(i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figure ~~((V-17, V-18, and V-19))~~ C-3, C-4, and C-5.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equip-

ment to obtain the required load-deflection data to be used in calculating FSB (see subsection (1)(c) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(b) Test procedure.

(i) The side load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure ((~~V-17~~) C-3). "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(A) The strain energy absorbed by the frame is equal to the required input energy (E_{is}) or

(B) Deflection of the frame exceeds the allowable deflection, or

(C) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L-D diagram, as shown by means of a typical example in Figure ((~~V-20~~) C-6), shall be constructed, using the data obtained in accordance with item (i) of this subdivision.

(iii) The modified L_m-D_m diagram shall be constructed according to item (ii) of this subdivision and according to Figure ((~~V-21~~) C-6). The strain energy absorbed by the frame (E_u) shall than [then] be determined.

(iv) E_{is}, FER, and FSB shall be calculated.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see Figure ((~~V-19~~) C-5) and E_{ir}. Rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(9) Dynamic test.

(a) Test conditions.

(i) The protective frame and tractor shall meet the requirements of subsection (6)(b) or (c) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686 + or - 25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18-22 ft. (5.5-6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure ((~~V-21~~) C-6).

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5-0.63 in. (12.5-16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°-30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure ((~~V-22~~) C-8).

(iv) The wheel tread setting shall comply with the requirements of subsection (6)(f) of this section. The tires shall have no liquid ballast and shall be inflated to the

maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6-8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim it is at an angle of 25°-40° to the horizontal. It shall have a length 20-25 times its depth and a width two to three times its depth. (See Figures ((~~V-22 and V-23~~) C-8 and C-9).

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure ((~~V-23~~) C-9).

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(b) Test procedure.

(i) General. The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in subsection (1)(c) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) Impact at rear. The tractor shall be properly restrained according to subdivisions (a)(iii) and (iv) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure ((~~V-22~~) C-8). The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) Impact at side. The block and restraining shall conform to subdivisions (a)(iii) and (iv) of this subsection. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(10) Performance requirements.

(a) General.

(i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures ((~~V-16 and V-17~~) C-2 and C-3) as follows:

D = 2 in. (51 mm.) inside of frame upright to vertical centerline of seat.

E = 30 in. (762 mm.).

F = Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure ((~~V-17~~) C-3).

G = 24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with WAC 296-306-26001 (7)(b)(iv).

(b) Vehicle overturn performance requirements. The requirements of this subsection (10) must be met in both side and rear overturns.

(c) Static test performance requirements. Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this subsection (10). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K-1 in both side and rear loadings.

(d) Dynamic test performance requirements. Design factors shall be incorporated in each design to withstand the overturn test prescribed in this subsection (10). The structural requirements will be generally met if the dimensions in this subsection (10) are adhered to in both side and rear loads.

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

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-270 Overhead protection for operators of agricultural and industrial tractors. (1) General.

(a) Purpose. When overhead protection is provided on wheel-type agricultural and industrial tractors, the overhead protection shall be designed and installed according to the requirements contained in this section. The provisions of WAC 296-306-26001 for rubber-tired dozers and rubber-tired loaders may be used in lieu of the standards contained in this section. The purpose of the standard is to minimize the possibility of operator injury resulting from overhead hazards such as flying and falling objects, and at the same time to minimize the possibility of operator injury from the cover itself in the event of accidental upset.

(b) Applicability. This section applies to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in agriculture work. See WAC 296-306-265 (1) and (3).

(c) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than 1/8-inch steel plate or 1/4-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than 1/4-inch woven wire mesh with openings no greater than 1 inch.

(2) Overhead protection. When overhead protection is installed on wheel-type agricultural or industrial tractors used in agriculture work, it shall meet the requirements of this subsection. The overhead protection may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be such that the maximum circle which can be inscribed between the elements of the grid or mesh

is 1.5 in. (38 mm.) in diameter. The overhead protection shall not be installed in such a way as to become a hazard in the case of upset.

(3) Test procedures—General.

(a) The requirements of WAC 296-306-265 (5), (6) and (7) shall be met.

(b) Static and dynamic rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(c) The static and dynamic side load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The direction of load application is the same as in WAC 296-306-265 (8) and (9). To simulate the characteristics of the structure during an upset, the center of load application may be located from a point 24 in. (610 mm.) (K) forward to 12 in. (305 mm.) (K) forward to 12 in. (305 mm.) (L) rearward of the front of the seat backrest to best utilize the structural strength. See Figure (~~(V-25)~~) C-31.

(4) Drop test procedures.

(a) The same frame shall be subjected to the drop test following either the static or dynamic test.

(b) A solid steel sphere or material of equivalent spherical dimension weighing 100 lb. (45.4 kg.) shall be dropped once from a height 10 ft. (3,048 mm.) above the overhead cover.

(c) The point of impact shall be on the overhead cover at a point within the zone of protection as shown in Figure (~~(V-26)~~) C-32, which is furthest removed from major structural members.

(5) Crush test procedures.

(a) The same frame shall be subjected to the crush test following the drop test and static or dynamic test.

(b) The test load shall be applied as shown in Figure (~~(V-27)~~) C-33 with the seat positioned as specified in WAC 296-306-265 (5)(d). Loading cylinders shall be pivotally mounted at both ends. Loads applied by each cylinder shall be equal within 2 percent, and the sum of the loads of the two cylinders shall be two times the tractor weight as set forth in WAC 296-306-265 (6)(a). The maximum width of the beam illustrated in Figure (~~(V-27)~~) C-33 shall be 6 in. (152 mm.).

(6) Performance requirements.

(a) General. The performance requirements set forth in WAC 296-306-265 (10)(b), (c) and (d) shall be met.

(b) Drop test performance requirements.

(i) Instantaneous deformation due to impact of the sphere shall not enter the protected zone as illustrated in Figures (~~(V-25, V-26, and V-28)~~) C-31, C-32, and C-34.

(ii) In addition to the dimensions set forth in WAC 296-306-265 (10)(a)(i) the following dimensions apply to Figure (~~(V-28)~~) C-34:

H = 17.5 in. (444 mm.).

J = 2 in. (50.8 mm.) measured from the outer periphery of the steering wheel.

(c) Crush test performance requirements. The protected zone as described in Figure ((V-28)) C-34 must not be violated.

(7) Source of standard. This standard is derived from, and restates, the portions of Society of Automotive Engineers Standard J167 which pertain to overhead protection requirements. The full title of the SAE standard is: Protective Frame with Overhead Protection—Test Procedures and Performance Requirements. The SAE standard shall be resorted to in the event that questions of interpretation arise. The SAE standard appears in the 1971 SAE Handbook.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-306-27095 Exhibit B—Figures ((V-1)) C-17 through ((V-28)) C-34.

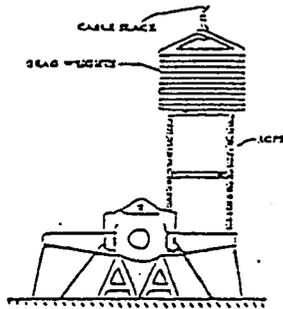


Figure ((V-1)) C-17

Vertical loading setup for all types of equipment described in WAC 296-306-26001(2).

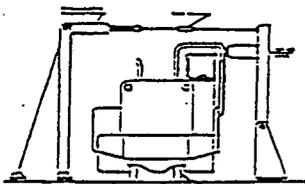


Figure ((V-2)) C-18

Test setup for rubber-tired self-propelled scrapers.

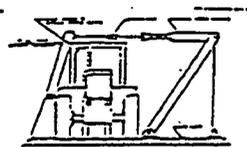


Figure ((V-3)) C-19

Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

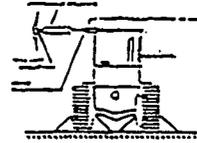


Figure ((V-4)) C-20

Side-loading setup for crawler tractors and crawler loaders.

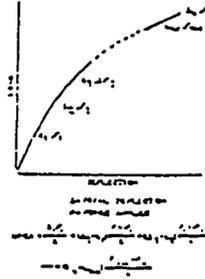


Figure ((V-5)) C-21

Determination of energy area under force deflection curve for all types of ROPS equipment defined in WAC 296-306-26001(2).

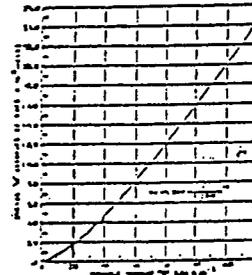


Figure ((V-6)) C-22

Energy absorbed versus vehicle weight.

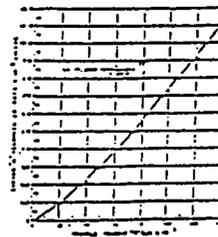


Figure ((V-7)) C-23

Energy absorbed versus vehicle weight.

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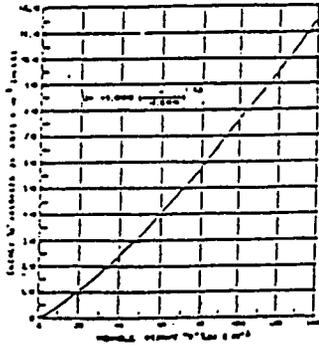


Figure ((V-8)) C-24
Energy absorbed versus vehicle weight.

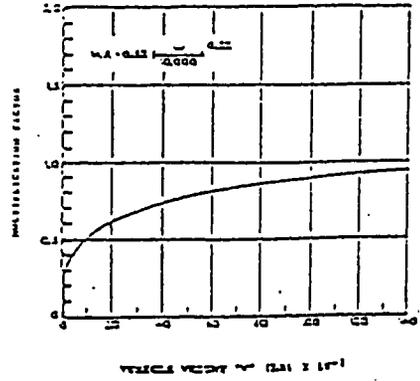


Figure ((V-11)) C-27
Minimum horizontal load factor for rubber-tired loaders and dozers.

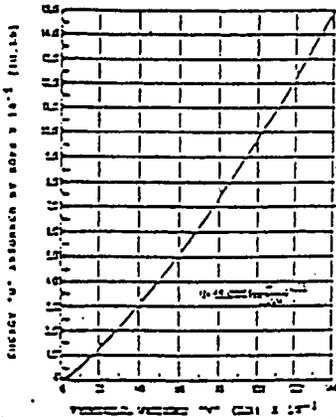


Figure ((V-9)) C-25
Energy absorbed versus vehicle weight.

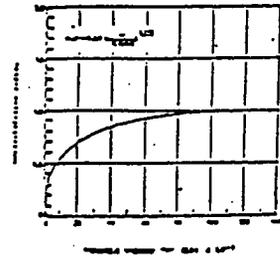


Figure ((V-12)) C-28
Minimum horizontal load factor for crawler tractors and crawler-type loaders.

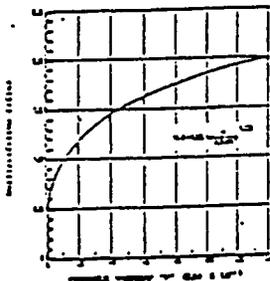


Figure ((V-10)) C-26
Minimum horizontal load factor for self-propelled scrapers.



Figure ((V-13)) C-29
Minimum horizontal load factor for motor graders.

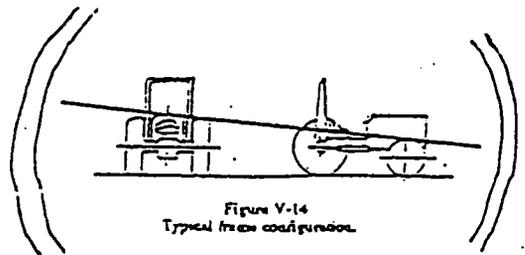


Figure V-14
Typical frame configuration.

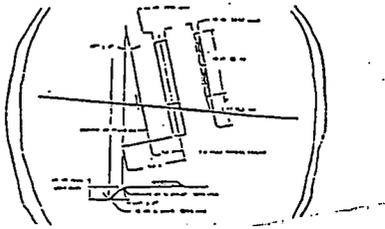


Figure V-15

Bank and ramp configuration for side overturn testing.

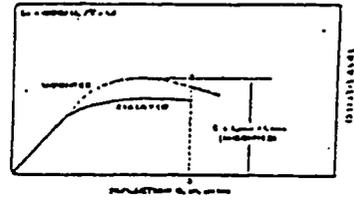


Figure ((V-20)) C-30
Typical modified L_m - D_m diagram.

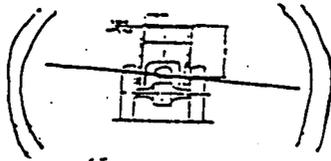


Figure V-16
Side load application.

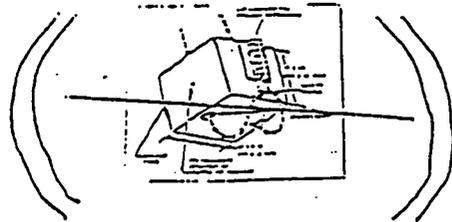


Figure V-21
Pendulum.

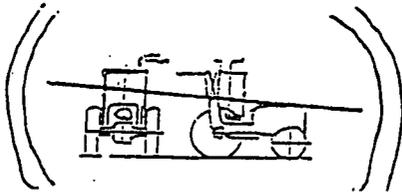


Figure V-17
Rear load application.

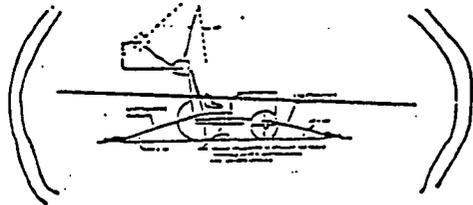


Figure V-22
Method of impact from rear.

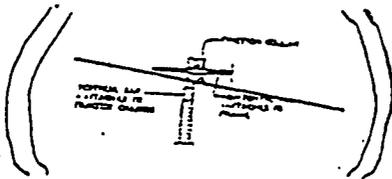


Figure V-18
Method of measuring instantaneous deflection.

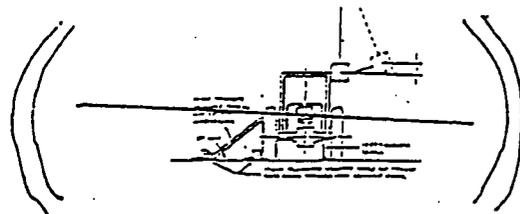


Figure V-23
Method of impact from side.

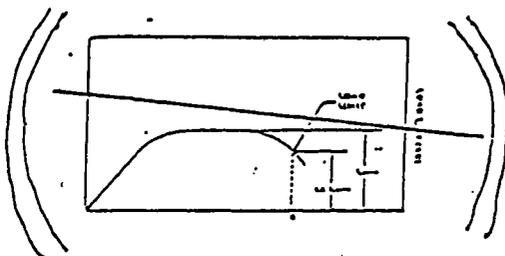


Figure V-19
Typical L-D diagram.))

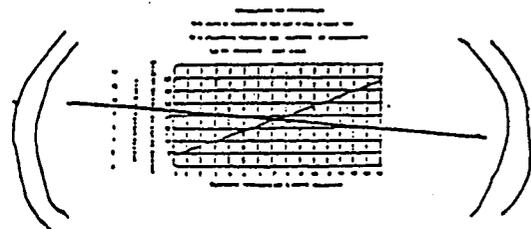


Figure V-24
Impact energy and corresponding lift height of 4,410 lb.
(2,000 kg.) weight.))

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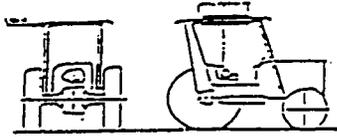


Figure ((V-25)) C-31
Location for side load.

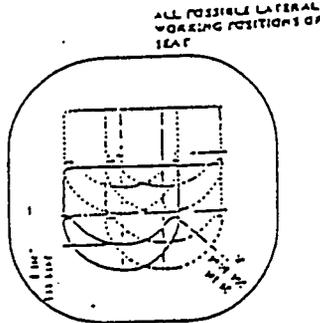


Figure ((V-26)) C-32
Zone of protection for drop test.

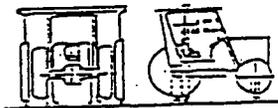


Figure ((V-27)) C-33
Method of load application for crush test.

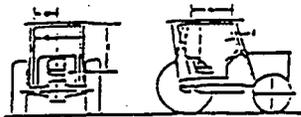


Figure ((V-28)) C-34
Protected zone during crush and drop tests.

NEW SECTION

WAC 296-306-330 Decontamination. (1) Requirement. During any pesticide handling activity, the employer shall provide for employees in accordance with this section, a decontamination site for washing off pesticides and pesticide residues.

(2) General conditions.

(a) The employer shall provide employees with enough water for routine washing, for emergency eyeflushing, and for washing the entire body in case of an emergency. At least 10 gallons of water for one employee and 20 gallons of water for two or more employees shall be provided at mixing and loading sites that do not have running water. At all times when the water is available to employees, the employer shall assure that it is of a quality and temperature

that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed.

(b) When water stored in a tank is to be used for mixing pesticides, it shall not be used for decontamination or eye flushing, unless the tank is equipped with properly functioning valves or other mechanisms that prevent movement of pesticides into the tank.

(c) The employer shall provide soap and single-use towels at each decontamination site in quantities sufficient to meet handlers' needs.

(d) The employer shall provide one clean change of clothing, such as overalls, at each decontamination site for use in an emergency.

(3) Location. The decontamination site shall be reasonably accessible to and not more than 1/4 mile from each handler during the handling activity.

(a) Exception for mixing sites. For mixing activities, the decontamination site shall be at the mixing site.

(b) Exception for pilots. The decontamination site for a pilot who is applying pesticides aerially shall be in the airplane or at the aircraft's loading site.

(c) Exception for handling pesticides in remote areas. When handling activities are performed more than 1/4 mile from the nearest place of vehicular access:

(i) The soap, single-use towels, clean change of clothing, and water may be at the nearest place of vehicular access.

(ii) The employer may permit employees to use clean water from springs, streams, lakes, or other sources for decontamination at the remote work site, if such water is more accessible than the water at the decontamination site located at the nearest place of vehicular access.

(d) Decontamination site in treated areas. The decontamination site shall not be in an area being treated with pesticides or in an area under a restricted-entry interval, unless:

(i) The decontamination site is in the area where the employee is performing handling activities;

(ii) The soap, single-use towels, and clean change of clothing are in enclosed containers; and

(iii) The water is running tap water or is enclosed in a container.

(iv) A plumbed or portable emergency eyewash capable of delivering at least 1.5 liters (0.4 gals.) of water per minute for 15 minutes shall be provided at all pesticide mixing and loading stations or decontamination sites.

(4) Emergency eyeflushing. To provide for emergency eyeflushing, the employer shall assure that at least 1 pint of water is immediately available to each employee who is performing tasks for which the pesticide labeling requires protective eyewear. The eyeflush water shall be carried by the employee, or shall be on the vehicle or aircraft the employee is using, or shall be otherwise immediately accessible.

(5) Decontamination after handling activities. At the end of any exposure period, the employer shall provide at the site where employees remove personal protective equipment, soap, clean towels, and a sufficient amount of water so that the employees may wash thoroughly.

(6) All employees shall have access to the emergency washing facilities in pesticide-related emergency situations.

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(7) All emergency washing facilities using nonpotable water shall have signs stating water is nonpotable.

(8) Hygiene training and information. Employees handling pesticides or working in fields or areas treated with pesticides in the current growing season shall receive the following instructions on the first day of employment;

(a) Wash hands and face before eating, drinking, or smoking while handling pesticides or working in the pesticide-treated area.

(b) Take a shower immediately after work each day and change into clean clothes.

(c) Wash work clothing daily in soap and hot water and wash separately from other clothing.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-306-400 Posting requirements. (1) When a pesticide having a reentry interval greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section. Sign design may be either the state design as illustrated by figure 1 or the officially adopted sign of the Environmental Protection Agency. (Reference federal regulation 40 CFR ((170.44)) 170.120.)

(2) Definitions for the purposes of this section are:

(a) "Labor-intensive agricultural crop" means crops requiring substantial hand-labor for planting, thinning, cultivating, pruning, harvesting, or other agricultural activities. Labor-intensive agricultural crops include but are not limited to apples, cherries, peaches, berries, hops, grapes, asparagus, pears, plums, nectarines, onions, cucumbers, cauliflower, and squash. By virtue of mechanization, crops such as, but not limited to, wheat, oat, and barley are excluded unless substantial hand-labor is utilized.

(b) "Reentry interval" means the length of time after an application until personnel will be allowed to reenter a treated area for work purposes without personal protective equipment.

(3) Pesticide warning signs required under this section shall be posted in such a manner as to be clearly visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted:

- (a) At each corner of the pesticide-treated area; and
- (b) At intervals not exceeding six hundred feet; and/or
- (c) At other locations approved by the department that provide maximum visibility.

(4) The signs shall be posted ((at least)) within twenty-four hours ((but not more than 7 days)) before scheduled application of the pesticide, and remain posted during application and throughout the applicable reentry interval. Signs shall be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area to be sprayed prior to the application of the pesticide.

(5) Signs shall be legible for the duration of use and wording shall be in English and Spanish.

(6) Signs shall meet the following criteria: (Unless EPA signs are used).

(a) The background color shall be white.

(b) The border at least one-half inch in width shall be red.

(c) The words "DANGER" and "PELIGRO" shall be at the top. Letters for these words shall be black and at least two and one-half inches in height.

(d) The words "pesticides" and "pesticidas" shall be at the top but below the words "DANGER" and "PELIGRO," respectively. Letters for these words shall be black and at least one inch in height.

(e) The center of the sign shall contain a circle comprised of a one-inch thick red line and contain an upraised hand in black with the white words "STOP" and "ALTO," respectively shown on the palm in the center of the circle. The hand shall be at least six inches in length.

(f) The words "NO ENTRY" and "ENTRADA PROHIBIDA" shall be at the bottom. Letters for these words shall be black and at least one and one-half inches in height.

(g) Sizes of letters and symbols listed are minimum acceptable size posters. Larger posters may be used provided the proportionate size of letters and symbols are maintained.

(7) A small black and white facsimile of the warning sign meeting these requirements is shown in Figure 1.



((8) The effective date of WAC 296-306-400 through 296-306-40005 is July 1, 1990.))

AMENDATORY SECTION (Amending Order 89-19, filed 5/9/90, effective 7/1/90)

WAC 296-306-40003 General requirements. (1) An employer who applies ((or stores)) pesticides in connection with the production of an agricultural crop, or causes pesticides to be applied in connection with such production, shall ((compile and maintain a workplace pesticide list (form AGR-4226 for one-time, single applications; form AGR-4235 for repeat applications; or form AGR-4236 for applications through an irrigation system), by crop or land area for each pesticide that is applied to a crop or land area, and a (form

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~~L & I F413-033-000~~ for each pesticide stored in a work area)) keep records for each application.

~~((2))~~ The ~~((workplace pesticide data shall be kept on the forms prescribed by the department and))~~ records shall ~~((contain))~~ include at least the following information: ~~((Exception—see subsection (8) following.))~~

(a) The address or exact location of the land where the pesticide was applied or the site where the pesticide was stored; (Note: If application is made to one acre or more, the field/land location must be shown on the map on the required form for at least the first application);

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency registration number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied; (application crop or site);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide that was applied;

(g) The number of acres, or other appropriate measure, to which pesticide was applied; (total area treated);

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; ~~((and))~~

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: *Provided*, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures ~~((—More than one entry would be feasible if there was a significant change of direction for any length of time during the application));~~

(j) Any other reasonable information required by the director;

(k) A commercial pesticide applicator who applies a pesticide to an agriculture crop or agricultural land shall provide a copy of the pesticide application records required by WAC 296-306-40003(1), to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied. Pesticide application records provided by a commercial pesticide applicator to the owner or lessee of agriculture lands under this section need not be provided on a form adopted by the department.

~~((3))~~ (2) The ~~((employer shall update the workplace pesticide list))~~ records shall be updated on the same day that a pesticide is applied ~~((or is first stored in a work area))~~. If the employer has been provided a copy of a pesticide application record under subsection (1) of this section, the copy may be used as the record of the pesticide application under this section. The employer shall maintain and preserve the pesticide application records no less than seven years from the date of the application of the pesticide to which the records refer.

~~((a) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must be readily available to employees and their designated representatives.))~~

~~((b))~~ (3) The pesticide application records shall be readily accessible to the employer's employees and their designated representatives in a central location in the work

place beginning on the day the application is made and for at least thirty days following the application. The employee or representative shall be entitled to view the pesticide application records and make his or her own record from the information contained in the application records.

(4) New or newly assigned employees shall be made aware of the ~~((pesticide chemical list))~~ accessibility of the application records before working with pesticides or in a work area containing pesticides.

~~((4))~~ (5) An employer subject to this section, who stores pesticides, shall ~~((maintain one form for each application or for each crop or work area, or workplace as a whole, as appropriate))~~, at least once in each calendar year, perform an inventory of the pesticides stored in any work area.

~~((a) The forms shall be accessible and available for copying and shall be stored in a location suitable to preserve their physical integrity.~~

~~((b) The farm owner/operator shall maintain and preserve the forms required under this section for no less than seven years.~~

~~((c) The records shall include an estimation of the total amount of each pesticide listed on the forms.~~

~~((5) After the effective date of this section, if an employer has failed to maintain and preserve the forms as required, the employer shall be subject to any applicable penalties authorized under chapter 49.70 or 49.17 RCW.))~~

(6) ~~((f))~~ The pesticide inventory records shall include the following information:

(a) The location of the site where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency Registration Number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(7) The inventory records shall be maintained and preserved for no less than seven years.

(8) In addition to performing the annual pesticide inventory required under this section, an employer shall maintain a record of pesticide purchases made between the annual inventory dates.

(a) In lieu of this purchase record, an employer may obtain from distributors from who pesticides are purchased, a statement obligating the distributor to maintain the purchase records on behalf of the employer and in satisfaction of the employer's obligation under this section.

(b) The director may require the submission of all purchase records from employers or distributors, covering the purchases during a specified period of time or in a specified geographical area.

(9) When activities for which ~~((forms))~~ the records are maintained cease ~~((at a workplace))~~, the ~~((forms))~~ records shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the ~~((forms))~~ records as required by this section but is not liable for violations committed by the former employer under chapter 49.70 RCW or rules adopted under chapter 49.70 RCW, including violations relating to the retention and preservation of ~~((forms))~~ records.

~~((7) The employer shall provide copies of the forms.))~~
(10) The records required under this section shall be readily accessible to the department for inspection. Copies of the records shall be provided on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries(7);

(b) Treating ~~((medical))~~ health care personnel(7);

(c) The pesticide incident reporting and tracking review panel(7); or

(d) Department representative.

~~((e))~~ (11) The designated representative or treating ~~((medical))~~ health care personnel are not required to identify the employee represented or treated.

~~((b))~~ (12) The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1).

~~((c) If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests a copy of a form and the employer refuses to provide a copy, the requester shall notify the department of the request and the employer's refusal.~~

~~((d))~~ (13) When a request for records is made under this subsection by treating health care personnel and the record is required for determining treatment, copies of the record shall be provided immediately. Information for treating health care personnel shall be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, copies of the records shall be provided within seventy-two hours.

(14) Copies of records provided to any person or entity under this subsection shall, if so requested, be provided or made available on a form provided by the department.

(15) If an employer has reason to suspect that an employee is ill or injured because of an exposure to one or more pesticides, the employer shall immediately provide the employee a copy of the relevant pesticide application records.

(16) If a request for a copy of a record is made under this section and the employer refuses to provide a copy, the requester may notify the department of the request and the employer's refusal.

(a) Within seven working days, the department shall request that the employer provide the department with all pertinent copies of the records, except that in a medical emergency the request shall be made within two working days.

~~((e))~~ (b) The employer shall provide copies of the ~~((form))~~ records to the department within twenty-four hours after the department's request.

~~((8) The employer may maintain computerized records as long as the computer that is utilized is programmed and equipped to print complete records in the form and format prescribed by subsection (9) of this section.~~

~~(9) The farm owner/operator shall utilize, maintain, and keep record forms as indicated in WAC 296-306-40005 to comply with provisions of this section.)~~ (17) The department shall include inspection of the records required under this section as part of any on-site inspection of a work place conducted under this chapter or chapter 49.17 RCW. The inspection shall determine whether the records are readily

transferable to a form adopted by the department, and readily accessible to employees. However, no employer subject to department inspection may be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, the department may conduct reasonable multiple inspections, pursuant to rules adopted by the department (see WAC 296-27-16018, Compliance inspections, and WAC 296-27-16026, Programmed inspections). Nothing in this subsection limits the department's inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If the employer has failed to maintain and preserve the records, or provide access to or copies of the records required under this section, the employer shall be subject to penalties authorized under RCW 49.17.180.

(19) The department of labor and industries and the department of agriculture shall jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100. (See WAC 296-306-40005, pesticide recordkeeping forms.)

NEW SECTION

WAC 296-306-40007 Emergency medical care information. (1) The name, address, and telephone number of the nearest emergency medical-care facility shall be posted.

(2) Updating. The agricultural employer shall inform workers promptly of any changes to the information on emergency medical-care facilities.

(3) Location.

(a) The information shall be displayed in a location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(b) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as a shop or an equipment storage site.

(4) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(5) Legibility. The information shall remain legible during the time it is posted.

NEW SECTION

WAC 296-306-40009 Emergency assistance. If there is reason to believe that an employee has been poisoned or injured by pesticides used on the agricultural establishment, including, but not limited to, exposures from application splash, spill, drift and pesticide residues, the agricultural employer shall:

(1) Make available to the worker prompt transportation from the place of employment or the handling site to an appropriate emergency medical facility.

(2) Provide, promptly, upon request, the following information to the employee or to treating medical personnel:

(a) Product name, EPA registration number, and active ingredients in any product to which the worker might have been exposed during the previous 30 days.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) Information about the circumstances of application or use of the pesticide on the farm, greenhouse, nursery, or forest, and about the exposure of the worker to the pesticide.

NEW SECTION

WAC 296-306-40011 Cholinesterase monitoring for employees mixing, loading, or applying organophosphate pesticides, and/or early reentering of treated areas. Non-mandatory. (1) The department recommends employers implement a screening program for cholinesterase monitoring for employees handling organophosphate and carbamate pesticides.

(2) Red blood cell and plasma cholinesterase testing of employees who handle toxicity class 1 or 2 carbamate or organophosphate pesticides is an acceptable bioassay method for determining the extent and effects of exposure to these types of pesticides. The schedule of testing should include a preexposure baseline level, followed by periodic monitoring during the period of exposure.

(3) Employers should provide baseline cholinesterase tests for all employees handling carbamate or organophosphate pesticides for 30 hours or more in any 30-day period.

(4) Baseline tests should be provided prior to actual exposure, at the beginning of the growing season, or upon first hire. These baseline tests should be repeated every two years.

(5) Periodic tests should be conducted every 30 days after the initial baseline for the next three months, and every 60 days thereafter until organophosphate or carbamate pesticide exposure ceases.

(6) The employer should not allow a monitored employee to be further exposed to carbamate or organophosphate pesticides if any cholinesterase test in comparison to the baseline is less than 70% of red blood cell baseline levels or 60% of plasma baseline levels. These employees should not be further exposed to organophosphate pesticides until their cholinesterase levels return to 80% or more of their baseline levels.

(7) Plasma or red blood cell cholinesterase level monitoring should be done.

(8) Monitoring programs should include appropriate follow-up and referrals to health care providers as needed, and should include a mechanism for recordkeeping and report tracking.

**WSR 93-07-016
PERMANENT RULES
LOTTERY COMMISSION**
[Filed March 5, 1993, 4:30 p.m.]

Date of Adoption: March 5, 1993.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 95 ("High Roller"), 96 ("Tic-Tac-Dough"), and 97 ("Lucky Charm"); and to amend WAC 315-11-890.

Citation of Existing Rules Affected by this Order: Amending WAC 315-11-890.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 93-03-094 on January 20, 1993.

Changes Other than Editing from Proposed to Adopted Version: The top prize in Instant Game No. 96, Tic-Tac-Dough, was changed from \$5,000 to \$10,000.

Effective Date of Rule: Thirty-one days after filing.

March 5, 1993
Evelyn P. Yenson
Director

NEW SECTION

WAC 315-11-950 Definitions for Instant Game Number 95 ("High Roller"). (1) Play symbols: The following are the "play symbols": "1," "2," "3," "4," "5," and "6." One of these play symbols appears in each of the five play spots under the latex covering on the front of the ticket. The latex covered area shall be known as the playfield. One of the five play spots shall be labeled "winning number."

(2) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify 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. The three-digit ticket number shall appear before each play symbol caption. For Instant Game Number 95, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(3) Prize symbols: The following are the "prize symbols": "\$1.00," "\$2.00," "\$4.00," "\$8.00," "\$50.00," and "\$20,000." One of these prize symbols appears below each of the play symbol captions, except for the caption of the play symbol labeled "winning number."

(4) Prize symbol captions: The small printed characters which appear below the prize symbol and verify and correspond with that prize symbol. The prize symbol caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 95, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 50.00	\$FIFTY\$
\$ 20,000	TWYTHOU

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(6) Pack-ticket number: The eleven-digit number of the form 09500001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 95 constitute the "pack number" which starts at 09500001;

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the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 95, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00 (\$1)
TWO	\$ 2.00 (\$1 and \$1)
THR	\$ 3.00 (\$1, \$1 and \$1)
EGT	\$ 8.00 (\$2, \$2, \$2 and \$2; \$8)
SXT	\$ 16.00 (\$4, \$4, \$4 and \$4; \$8, \$4 and \$4)

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

NEW SECTION

WAC 315-11-951 Criteria for Instant Game Number 95. (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) When any of the four play symbols matches exactly the play symbol labeled "winning number," the matching play symbol shall be a winning play symbol, and the bearer of the ticket shall win the prize below the winning play symbol.

(b) The bearer of a ticket which has more than one winning play symbol shall win the total of the prizes below each winning play symbol.

(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 95 set forth in WAC 315-11-952, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 95; and/or

(b) Vary the number of tickets sold in Instant Game Number 95 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-952 Ticket validation requirements for Instant Game Number 95. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 95 all of the following validation requirements apply:

(a) Exactly one play symbol must appear in each of the five play spots in the playfield on the front of the ticket.

(b) Each play symbol must have a play symbol caption below it and each must agree with its caption.

(c) Each of the play symbol captions, except for the "winning number" play symbol caption, shall have a prize symbol below it. Each of the prize symbols shall also have a prize symbol caption below it.

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

Play Symbols	Play Symbol Font
Prize Symbols	Prize Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(e) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(f) Each of the play symbols must be exactly one of those described in WAC 315-11-950(1) and each of the play symbol captions must be exactly one of those described in WAC 315-11-950(2).

(g) Each of the prize symbols must be exactly one of those described in WAC 315-11-950(3) and each of the prize symbol captions must be exactly one of those described in WAC 315-11-950(4).

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

NEW SECTION

WAC 315-11-960 Definitions for Instant Game Number 96 ("Tic-Tac-Dough"). (1) Play symbols: The following are the "play symbols": "X" and "O." One of these symbols appears in each of the nine play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption contains five characters. The first character indicates the location of the play symbol in either column one, column two, or column three. The second character repeats the play symbol. The last three characters repeat the ticket number. Only one caption appears under each play symbol. An example of play symbol captions follow:

<u>PLAY SYMBOL</u>	<u>CAPTION</u> (Example for ticket number 122)
X	1X122 (Play symbol in column 1)
O	2O122 (Play symbol in column 2)
X	3X122 (Play symbol in column 3)

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$9.00"; "\$19.00"; "\$50.00"; "\$500"; and "\$10,000." One of these prize symbols appears in the prize box under the latex covering on the front of the ticket.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. For Instant Game Number 96, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 9.00	NIN DOL
\$ 19.00	NIT DOL
\$ 50.00	\$FIFTY\$
\$ 500	FIVHUND
\$ 10,000	TENTHOU

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(6) Pack-ticket number: The eleven-digit number of the form 09600001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 96 constitute the "pack number" which starts at 09600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 96, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the latex covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
NIN	\$ 9.00
NIT	\$ 19.00

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

NEW SECTION

WAC 315-11-961 Criteria for Instant Game Number 96. (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:

The bearer of a ticket having three "X" play symbols or three "O" play symbols in any row, column, or diagonal beneath the latex covering on the front of the ticket shall win the prize shown in the prize box.

(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 96 set forth in WAC 315-11-962, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 96; and/or

(b) Vary the number of tickets sold in Instant Game Number 96 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-962 Ticket validation requirements for Instant Game Number 96. (1) A valid instant game ticket for Instant Game Number 96 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations:

(a) Exactly one play symbol must appear in each of the nine play spots on the front of the ticket.

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

(c) Exactly one prize symbol must appear in the prize box under the latex covering on the front of the ticket.

(d) The prize symbol must have a caption below it and it must agree with its caption.

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(f) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-960(1); and each of the play symbol captions must be exactly one of those described in WAC 315-11-960(2).

(h) Each of the prize symbols must be exactly one of those described in WAC 315-11-960(3); and each of the prize symbol captions must be exactly one of those described in WAC 315-11-960(4).

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

NEW SECTION

WAC 315-11-970 Definitions for Instant Game Number 97 ("Lucky Charm"). (1) Play symbols: The following are the "play symbols": " U "; "\$1.00"; "\$2.00"; "\$7.00"; "\$21.00"; "\$40.00"; and "\$5,000." One of these symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and corre-

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spond 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 97, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
U	HORSHOE
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 7.00	SVN DOL
\$ 21.00	TTN DOL
\$ 40.00	\$FORTY\$
\$ 5,000	FIVTHOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 09700001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 97 constitute the "pack number" which starts at 09700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 97, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the latex removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
SVN	\$ 7.00
FRN	\$ 14.00
TTN	\$ 21.00

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

NEW SECTION

WAC 315-11-971 Criteria for Instant Game Number 97. (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:

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 \$ 1.00 play symbols	- Win \$ 1.00
Two \$ 1.00 play symbols and one U	- Win \$ 2.00
Three \$ 2.00 play symbols	- Win \$ 2.00
Two \$ 2.00 play symbols and one U	- Win \$ 4.00
Three \$ 7.00 play symbols	- Win \$ 7.00
Two \$ 7.00 play symbols and one U	- Win \$ 14.00

Three \$21.00 play symbols	- Win \$21.00
Three \$40.00 play symbols	- Win \$40.00
Two \$40.00 play symbols and one U	- Win \$80.00
Three \$5,000 play symbols	- Win \$5,000

(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 97 set forth in WAC 315-11-972, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

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

(a) Vary the length of Instant Game Number 97; and/or

(b) Vary the number of tickets sold in Instant Game Number 97 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-972 Ticket validation requirements for Instant Game Number 97. (1) A valid instant game ticket for Instant Game Number 97 shall meet all of the following validation requirements as well as all other requirements in these rules and regulations:

(a) Exactly one play symbol must appear under each of the six play spots on the front of the ticket.

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

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

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number, and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-970(1) and each of the captions must be exactly one of those described in WAC 315-11-970(2).

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

AMENDATORY SECTION (Amending WSR 92-23-032, filed 11/13/92, effective 12/14/92)

WAC 315-11-890 Definitions for Instant Game Number 89 (~~("Eights Are Crazy")) ("Lucky 8's").~~ (1) Play symbols: The following are the "play symbols": "1;" "2;" "4;" "5;" "6;" "8;" and "9." One of these play symbols appears in each of the nine play spots under the latex

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covering on the front of the ticket. The nine play spots are arranged in a three-by-three configuration. The area under the latex covering shall be known as the playfield.

(2) Play symbol captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption contains four characters. The first character repeats the play symbol. The last three characters repeat the ticket number. One and only one play symbol caption appears under each play symbol. An example of play symbol captions for Instant Game Number 89 follows:

<u>PLAY SYMBOL</u>	<u>CAPTION</u> (Example for ticket number 122)
1	1122
2	2122
4	4122
5	5122
6	6122
8	8122
9	9122

(3) Prize symbols: The following are the "prize symbols": "\$1.00;" "\$2.00;" "\$4.00;" "\$8.00;" "\$18.00;" "\$80.00;" "800;" and "\$8,888." One of these prize symbols appears under the prize box on the front of the ticket which has the word "PRIZE" printed on the latex covering. The prize box shall be contiguous to the playfield.

(4) Prize symbol captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. For Instant Game Number 89, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 2.00	TWO DOL
\$ 4.00	FOR DOL
\$ 8.00	EGT DOL
\$ 18.00	EGTTEEN
\$ 80.00	EIGHTY\$
\$ 800	EGTHUND
\$ 8,888	FOREGTS

(5) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(6) Pack-ticket number: The eleven-digit number of the form 08900001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 89 constitute the "pack number" which starts at 08900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 89, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations

beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FOR	\$ 4.00
EGT	\$ 8.00
EGN	\$ 18.00

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

WSR 93-07-020
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER
 [Order R 93-1—Filed March 8, 1993, 12:33 p.m.]

Date of Adoption: February 26, 1993.

Purpose: Statement of actuarial opinion to accompany annual statements of Washington domestic property and casualty insurance companies.

Statutory Authority for Adoption: RCW 48.02.060 to implement RCW 48.05.250 and 48.05.400.

Pursuant to notice filed as WSR 93-01-159 on December 23, 1992; and WSR 93-04-062 on January 28, 1993.

Changes Other than Editing from Proposed to Adopted Version: Added subsection (3) to permit the commissioner to accept statements from an actuary who, while having substantially equivalent experience, skill, and knowledge, nonetheless does not meet the standards of either subsection (1) or (2).

Effective Date of Rule: Thirty-one days after filing.
 February 26, 1993
 Deborah Senn
 Insurance Commissioner

NEW SECTION

WAC 284-07-060 Statement of actuarial opinion. The NAIC Annual Statement Instructions for property and casualty insurers require such insurers to submit with the annual statement the statement of a qualified actuary, entitled "Statement of Actuarial Opinion," setting forth his or her opinion relating to loss and loss adjustment expense reserves. With respect to statements of actuarial opinion for property and casualty insurers domiciled in this state, a person can demonstrate competency in loss reserve evaluation, and thus be considered to be a qualified actuary, only by being:

(1) A member in good standing of the Casualty Actuarial Society; or

(2) A member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries.

(3) A person with documented experience, skill, and knowledge substantially equivalent to that required for either subsection (1) or (2) of this section, acceptable to the commissioner. A person qualifying under this alternative (3)

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must be approved in advance by the commissioner, as prescribed by the Annual Statement Instructions.

WSR 93-07-023
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Order 344—Filed March 9, 1993, 3:40 p.m.]

Date of Adoption: March 5, 1993.

Purpose: Amendment to add a \$4.00 surcharge on each active license renewal fee to fund the impaired practical nurse program.

Citation of Existing Rules Affected by this Order: Amending WAC 246-838-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 92-21-036 on October 15, 1992.

Effective Date of Rule: Thirty-one days after filing.
 March 5, 1993
 Bruce A. Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-838-990 Practical nurse fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application (examination and reexamination)	\$65.00
License renewal	35.00
<u>Impaired practical nurse assessment</u>	<u>4.00</u>
Late renewal penalty	35.00
Inactive renewal	20.00
Inactive late renewal penalty	20.00
Endorsement - reciprocity	65.00
Duplicate license	20.00
Certification	40.00
Interim permits	15.00

WSR 93-07-028
PERMANENT RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 (Public Assistance)
 [Order 3522—Filed March 10, 1993, 11:41 a.m.]

Date of Adoption: March 10, 1993.

Purpose: Adjust the medically needy income level (MNIL) effective January 1, 1993. Adds as an income exemption a child's allowance for SSI-ineligible children of an SSI-related client; the MNIL less the spouse's income when the spouse of a person receiving home-based and community-based waived service program applies.

Citation of Existing Rules Affected by this Order: Amending WAC 388-99-020 Eligibility determination—Medically needy in own home.

Statutory Authority for Adoption: RCW 74.08.090.
 Other Authority: 1902(r) of the Social Security Act.
 Pursuant to notice filed as WSR 93-04-090 on February 1, 1993.

Effective Date of Rule: Thirty-one days after filing.
 March 10, 1993
 Rosemary Carr
 Acting director
 Administrative Services

AMENDATORY SECTION (Amending Order 3467, filed 10/7/92, effective 11/7/92)

WAC 388-99-020 Eligibility determination—Medically needy in own home. (1) Effective January 1, ~~((1991))~~ 1993, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ ((458))
	<u>467</u>
(b) Two persons	\$ ((575))
	<u>592</u>
(c) Three persons	\$ ((650))
	<u>667</u>
(d) Four persons	\$ ((725))
	<u>742</u>
(e) Five persons	\$ ((833))
	<u>858</u>
(f) Six persons	\$ ((942))
	<u>975</u>
(g) Seven persons	\$ ((1,092))
	<u>1,125</u>
(h) Eight persons	\$ ((1,208))
	<u>1,242</u>
(i) Nine persons	\$ ((1,325))
	<u>1,358</u>
(j) Ten persons and above	\$ ((1,433))
	<u>1,483</u>

(2) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining:

(a) AFDC eligibility for families and children in a nondesignated FIP geographic area. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for persons applying solely for medical assistance except for families described under WAC 388-83-130 (2)(a);

(b) SSI/SSP eligibility for aged, blind, or disabled persons; and

(c) FIP eligibility for families and children.

(3) The department shall allow the following income ~~((disregards))~~ exemptions:

(a) Health insurance premiums, except Medicare, the person expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse of an SSI-related client not to exceed the one-person medically needy income level; ~~((and))~~

(c) A child's allowance up to one-half of the Federal Benefit Rate (FBR) for each SSI-ineligible child of an SSI-related client;

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(d) Child care payment amounts allowed as if the person was a FIP enrollee; and

(e) When the spouse of a client applying for medically needy receives a home and community based waived service program, the department shall allow the medically needy client an income exemption equal to the one-person MNIL minus the income of the institutionalized spouse.

(4) If countable income is equal to or less than the appropriate MNIL, the department shall certify the family or person eligible.

(5) Effective August 1, 1992, when countable income for any month or months of the base period is less than the appropriate MNIL but above the CNIL, the department shall deduct the difference between the countable income and the MNIL from the total excess countable income for the base period.

(6) If countable income is greater than the appropriate MNIL, the department shall require the applicant to spenddown the excess countable income for the base period. ~~The department shall determine the base period ((shall be the three month or six month period which corresponds to the certification period))~~ under WAC 388-99-055.

(7) The department shall consider the income and resources of the spouse or of the parent of an applicant under ~~((eighteen))~~ nineteen years of age:

(a) In the same household, available to the applicant, whether or not actually contributed; and

(b) Not in the same household, only to the extent of what is actually contributed.

(8) The department shall consider the financial responsibility of relatives for aged, blind, and disabled, under chapter 388-92 WAC.

(9) In mixed households, where more than one assistance unit exists, the department shall determine income for the:

(a) AFDC-related assistance unit according to subsections (2)(a) and (3) of this section;

(b) SSI-related assistance unit according to subsections (2)(b) and (3) of this section; and

(c) FIP-related assistance unit according to subsections (2)(c) and (3) of this section.

WSR 93-07-029
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3523—Filed March 10, 1993, 11:44 a.m.]

Date of Adoption: March 10, 1993.

Purpose: This amended section adjusts the community spouse resource limit effective January 1, 1993, to comply with federal requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-337 Availability of resources.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: State Agency Letter 93-03.

Pursuant to notice filed as WSR 93-04-032 on January 27, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 10, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3313, filed 1/15/92, effective 2/15/92)

WAC 388-95-337 Availability of resources. (1) Resources are defined under WAC 388-92-005 for the SSI-related (~~(applicant or recipient))~~ client and under WAC 388-22-030 for an AFDC-related (~~(applicant or recipient))~~ client.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfer of resources are evaluated under WAC 388-95-395.

(3) The department shall determine ownership of resources following Washington state community property principles:

(a) For a person:

(i) Whose most recent period of institutionalization began before October 1, 1989; and

(ii) Remaining continuously institutionalized.

(b) For purposes of Medicaid eligibility, the department shall presume all resources are:

(i) Community resources if jointly held in the names of both the husband and wife, or in the name of the (~~(applicant/recipient))~~ client only;

(ii) The separate property of the nonapplicant spouse if:

(A) Held in the separate name of the nonapplicant spouse; or

(B) Transferred between spouses as described under WAC 388-92-043(6).

(c) The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.

(4) The department shall not consider a person (~~(is no longer))~~ continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; or

(b) Does not receive home or community-based waived services.

(5) (~~(The department shall use the following criteria))~~ For the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989, the department shall:

(a) (~~(The department shall))~~ Exclude resources in WAC 388-95-380 with the exception of subsection (3) under WAC 388-95-380. One automobile per couple is totally excluded without regard to use;

(b) (~~(The department shall))~~ Consider available to the community spouse, resources in the name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:

(i) (~~(Sixty-eight))~~ Seventy thousand seven hundred forty dollars effective January 1, ((1992)) 1993;

(ii) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

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(iii) An amount ordered transferred to the community spouse by the court.

(c) ~~((The))~~ Ensure resources available to the community spouse ~~((shall be))~~ are in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse;

(i) Before the first regularly scheduled eligibility review;

or
(ii) As soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse; and

(d) ~~((The department shall))~~ Consider resources greater than such resources in subsection (5)(b) of this section available to the institutional spouse.

(6) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse during a continuous period of institutionalization; or

(b) When the institutionalized spouse acquires resources in excess of the one-person resource maximum, if the most recent period of institutionalization began after September 30, 1989.

WSR 93-07-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3524—Filed March 10, 1993, 11:46 a.m.]

Date of Adoption: March 10, 1993.

Purpose: Allows special needs adoptive children and their adoptive families to access necessary services from the program of adoption support at an earlier date. The children would no longer be carried as foster children, but would be identified as children in adoptive placement. Foster care budget costs would be reduced with an overall savings in budget due to the low average costs per child on adoption support.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-70-520 Adoption support for children—Definitions.

Statutory Authority for Adoption: RCW 43.20A.550.

Pursuant to notice filed as WSR 93-03-082 on January 19, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 10, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3101, filed 11/20/90, effective 12/21/90)

WAC 388-70-520 Adoption support for children—Definitions. As used in these rules:

(1) "Adoption" means the granting of the adoption decree consistent with chapter 26.33 RCW.

(2) "Adoption support payment" means the financial remuneration resulting from an agreement whereby the

department continues financial responsibility beyond the legal consummation of the adoption.

(3) "Agreement" means a contract between the prospective adoptive parent and the department providing adoption support payments following the ~~((granting of a decree))~~ completion of the adoption support agreement signed by all parties.

(4) "Corrective-rehabilitative services" shall include, but not be limited to:

(a) Medical care;

(b) Psychological services;

(c) Physical therapy;

(d) Prosthesis;

(e) Speech and hearing therapy;

(f) Cosmetic surgery; or

(g) Orthodontia.

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

(6) "Family" means any prospective parent having the character, judgment, sense of responsibility, and disposition making the prospective parent suitable as an adoptive parent of a child, but lacking the necessary resources to care for a hard-to-place for adoption child.

(7) "Hard-to-place for adoption child" means a child registered for three months with the Washington Adoption Resource Exchange (WARE) or the Northwest Adoption Exchange (NWAE) without identifying a nonsubsidized adoptive family resource. The child's registration with the exchanges ~~((shall))~~ is not ~~((be))~~ necessary when:

(a) A foster parent desires to adopt a child having been in the foster parent's home for six months or more before a child is legally free for adoption;

(b) The child has close emotional ties to the current foster family which, if severed, may cause emotional damage to the child; and

(c) The foster family is identified as the adoptive family of choice by the agency staff having responsibility for the child.

(8) "Secretary" means the secretary of department or the secretary's designee.

(9) "Special needs" is the department's designation given to a child ~~((by the department))~~ when the child presents a specific factor or condition the department reasonably concludes may prevent the child's placement with an adoptive parent without providing adoption support. The child's special need factors or conditions may include but are not limited to:

(a) Ethnic background;

(b) Age;

(c) Inclusion in a sibling group;

(d) Medical diagnosis; or

(e) Physical, mental, or emotional handicap.

(10) "The act" means the statutes authorizing adoption support codified as RCW 74.13.100 through 74.13.145.

WSR 93-07-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3525—Filed March 10, 1993, 11:47 a.m.]

Date of Adoption: March 10, 1993.

Purpose: The amendment exempts all Indian tribal judgment funds or funds in trust by the Secretary of the Interior, that are distributed on a per capita basis under certain public laws. Also eliminates obsolete WAC references to GA-U resource eligibility that were deleted when resource eligibility rules were made the same as AFDC resource rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-575 Disregard of income and resources.

Statutory Authority for Adoption: RCW 74.04.050.

Pursuant to notice filed as WSR 93-04-027 on January 27, 1993.

Effective Date of Rule: Thirty-one days after filing,
March 10, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 3365, filed 4/7/92, effective 5/8/92)

WAC 388-28-575 Disregard of income and resources. (1) For aid to families with dependent children (AFDC), the department shall disregard as income and as a resource the following payments:

- (a) The income of a Supplemental Security Income recipient;
- (b) The monthly child support incentive payment from the office of support enforcement;
- (c) AFDC benefits resulting from a court order modifying a department policy;
- (d) Title IV-E, state and/or local foster care maintenance payments; and
- (e) Adoption support payments if the adopted child is excluded from the assistance unit.

(2) For AFDC and general assistance-unemployable (GA-U), the department shall disregard as income and as a resource ~~((the following))~~:

(a) Bona fide loans as specified ~~((in))~~ under WAC 388-28-480(4). The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;

(b) Grants, loans, or work study to a student under Title IV-A of the Higher Education Amendments or Bureau of Indian Affairs (Public Law (P.L.) 99-498 amended by P.L. 100-50), or the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 101-391), for attendance costs as identified by the institution. For a student attending school:

(i) At least half-time, attendance costs include tuition, fees, books, supplies, transportation, and miscellaneous personal expenses; or

(ii) Less than half-time, attendance costs include tuition and fees.

(c) Grants or loans to an undergraduate student insured by the commissioner of education;

(d) Any remaining grants, work study, scholarships, or fellowships as allowed under WAC 388-28-578;

(e) The earned income disregards in WAC 388-28-570(6) for AFDC and WAC 388-37-025 for GA-U to any work study earnings received and not excluded in subsection (2)(b), (c), and (d) of this section;

(f) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

(g) The food coupon allotment under Food Stamp Act of 1977;

(h) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

(i) Benefits under women, infants, and children program (WIC);

(j) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(k) Energy assistance payments;

(l) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian Tribe, including but not limited to funds issued pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

(m) Per capita judgment funds under P.L. 97-408 to members of the:

(i) Blackfeet Tribe of the Blackfeet Indian Community, Montana;

(ii) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and

(iii) Assiniboine Tribe of the Fort Belknap Indian Community.

(n) Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134, 94-114, 97-458, or 98-64 ~~((, limited to the extent the per capita shares do not exceed two thousand dollars per individual))~~. In addition:

(i) "Initial investments" means real or personal property purchased directly with funds from the per capita payment up to the amount of the funds from the per capita payment ~~((hereafter referred to as the initial investments))~~.

(ii) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income per WAC 388-28-482 and 388-28-484(-);

(iii) When the initial investments are nonexempt resources, appreciation in value shall be applied to the resource ceiling valued as specified ~~((for the applicable program in WAC 388-28-430(2)(a) or))~~ under WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2) ~~((for AFDC and WAC 388-28-450(2) for GA-U))~~. The department shall determine appreciation in value at the time of eligibility review(-); and

(iv) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited.

(o) Two thousand dollars per ~~((individual))~~ person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241).

(p) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(q) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(r) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;

(s) A previous underpayment of assistance under WAC 388-33-195;

(t) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41), made to a Puyallup Tribe member upon reaching twenty-one years of age.

(i) "Initial investments" means real or personal property purchased directly with funds from the annuity fund payment up to the amount of the funds from the annuity fund payment (~~hereafter referred to as the initial investments~~).

(ii) The department shall treat income derived either from the annuity fund payment or the initial investments (~~shall be treated~~) as newly acquired income per WAC 388-28-482 and 388-28-484.

(iii) When the initial investments are nonexempt resources, the department shall apply appreciation in value (~~shall be applied~~) to the resource ceiling value as specified (~~for the applicable program in WAC 388-28-430(2)(a) or~~) under WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2) (~~for AFDC and WAC 388-28-450(2) for GA-U~~). The department shall determine appreciation in value at the time of eligibility review.

(iv) The department shall treat proceeds from the transfer of the initial investments (~~are treated~~) according to WAC 388-28-471. After sixty days, if funds are in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2) for AFDC and WAC 388-28-440 (3) and (4) for GA-U.

(u) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

(v) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

(w) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288) as amended by Disaster Relief and Emergency Assistance amendments of 1988 (P.L. 100-707). This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(x) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents;

(y) Income specifically excluded by any other federal statute from consideration as income or resource.

WSR 93-07-032
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3526—Filed March 10, 1993, 11:50 a.m.]

Date of Adoption: March 10, 1993.

Purpose: To correct reference that was stated incorrectly in previous amendment. Change the reference that states the value of the resources if the sponsor of an alien are to be determined as if the sponsor was applying for AFDC in the "sponsor's state of residence" to the "alien's state of residence."

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-590 Alien sponsorship—Deeming of income and resources—Overpayments.

Statutory Authority for Adoption: RCW 74.04.005.

Pursuant to notice filed as WSR 93-04-026 on January 27, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 10, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3423, filed 7/23/92, effective 8/23/92)

WAC 388-28-590 Alien sponsorship—Deeming of income and resources—Overpayments. (1) The department shall apply the rules of this section to an alien applying for AFDC for the first time after September 30, 1981, and to the alien's sponsor.

(2) The department shall apply the rules of this section only for deeming of the resources of an alien's sponsor to an alien applying for general assistance.

(3) A sponsor is defined as any person or public or private organization executing an affidavit or affidavits of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(4) Any alien whose sponsor is a public or private agency or organization shall be ineligible for assistance for three years from the date of entry into the United States, unless the agency or organization is either no longer in existence or has become unable to meet the alien's needs.

(5) For a period of three years following entry into the United States, an individually sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(6) For all subsections in this section, the department shall deem the income and resources of an individual sponsor (and the sponsor's spouse if living with the sponsor) (~~shall be deemed~~) to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(7) Monthly income deemed available to the alien from the individual sponsor (~~or~~) and the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The ~~((sponsor's))~~ total monthly unearned income, added to the sponsor's total monthly earned income of the sponsor and sponsor's spouse reduced by:

(i) Twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment~~((;))~~; plus

(ii) The full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subsection ~~((6))~~ (7)(a) of this section reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other persons living in the same household as the sponsor claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to persons not living in the household claimed by the sponsor as dependents to determine the sponsor's federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to persons not living in the sponsor's household.

(8) The department shall deem as monthly resources ~~((deemed))~~ available to the alien from the sponsor ~~((shall be))~~ the total amount of the resources of the sponsor determined as if the sponsor was applying for AFDC in the ~~((sponsor's))~~ alien's state of residence, less one thousand five hundred dollars.

(9) In any case where a person is the sponsor of two or more aliens, The department shall divide the income and resources of the sponsor, to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section ~~((shall be divided))~~, equally among the aliens.

(10) The department shall not consider the income and resources which are deemed to a sponsored alien ~~((shall not be considered))~~ in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(11) The department shall not apply the provisions of this section to any alien who:

(a) Meets the definition of refugee in WAC 388-55-010; or

(b) Is the dependent child of the sponsor or sponsor's spouse.

(12) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When the department finds a sponsor has good cause or is without fault for not providing information to the agency, the sponsor shall not be held liable for the overpayment and recovery will not be made.

(b) Good cause and no fault shall be defined as any circumstance beyond the control of the sponsor.

WSR 93-07-034
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3527—Filed March 10, 1993, 11:52 a.m.]

Date of Adoption: March 10, 1993.

Purpose: Change department policy on the disregard of Indian per capita payments for the CEAP program based on policy clarification received from Department of Health and Human Services. This change will exempt Indian tribal judgment funds, or funds held in trust by the Secretary of the Interior, that are distributed on a per capita basis under certain public laws.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-253 Exempt income and resources for CEAP.

Statutory Authority for Adoption: RCW 74.04.660.

Other Authority: CFR 233.20 (a)(4)(ii)(e).

Pursuant to notice filed as WSR 93-04-035 on January 27, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 10, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3361, filed 4/6/92, effective 5/7/92)

WAC 388-24-253 Exempt income and resources for CEAP. The department shall disregard:

(1) A home. WAC 388-28-420 shall apply in determining whether real property is used as a home;

(2) A used and useful vehicle with an equity value not to exceed one thousand five hundred dollars;

(3) Used and useful household furnishings;

(4) Used and useful personal effects;

(5) Tools and equipment used and useful in the person's occupation;

(6) Livestock, the products of which are consumed by the applicant and the applicant's dependents;

(7) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646;

(8) The value of the coupon allotment under the Food Stamp Act of 1977, as amended;

(9) Any compensation provided to volunteers in ACTION programs established by Titles I, II, and III of P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(10) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended, and the special food service program for children under the National School Lunch Act, as amended;

(11) The income and resources of a Supplemental Security Income recipient;

(12) Energy assistance payments;

(13) Grants, loans, or work study to a student under Title IV-A of the Higher Education Amendments or Bureau of Indian Affairs for attendance costs as identified by the institution, P.L. 100-50;

(14) Indian tribal judgment funds, or funds held in trust by the Secretary of the Interior, distributed per capita under P.L. 93-134, P.L. 94-114, P.L. 97-408, P.L. 97-458, P.L. 98-64, (~~limited to two thousand dollars per person~~) and any real or personal property purchased directly with these funds;

(15) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act or under P.L. 92-203 and P.L. 100-241;

(16) Payments from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989, P.L. 101-41, made to a Puyallup Tribe member upon reaching twenty-one years of age;

(17) Payments made from the Agent Orange Settlement Fund established to settle agent orange liability claims under P.L. 101-201.

WSR 93-07-036

PERMANENT RULES

DEPARTMENT OF HEALTH

(Examining Board of Psychology)

[Order 337B—Filed March 10, 1993, 4:00 p.m.]

Date of Adoption: February 12, 1993.

Purpose: Adopt new rules of ethical conduct and repeal the old rules of ethical conduct. Adopting WAC 246-924-351, 246-924-352, 246-924-353, 246-924-354, 246-924-355, 246-924-356, 246-924-357, 246-924-358, 246-924-359, 246-924-361, 246-924-363, 246-924-364, 246-924-365, 246-924-366, and 246-924-367.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-924-350, 246-924-360, 246-924-370, 246-924-380, 246-924-390, 246-924-400, 246-924-410, 246-924-420, 246-924-430, 246-924-440, and 246-924-450.

Statutory Authority for Adoption: RCW 18.83.050(5).

Other Authority: Chapter 18.83 RCW.

Pursuant to notice filed as WSR 93-02-067 on January 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: Editing and clarifying comments only.

Effective Date of Rule: Thirty-one days after filing.

February 12, 1993

Kathleen O'Shaunessy

Chair

NEW SECTION

WAC 246-924-351 Rules of ethical conduct. (1) Scope. The psychologist shall be governed by these rules of conduct whenever practicing as a psychologist.

(2) Responsibility for own actions. The psychologist shall be fully responsible for his/her own professional decisions and professional actions.

NEW SECTION

WAC 246-924-352 Definitions. (1) "Client" means a recipient of psychological services or that person's legal guardian. A corporate entity or other organization can be a client when the professional contract is to provide services of primary benefit to the organization rather than to individuals.

(2) "Confidential client information" means information revealed by the client or otherwise obtained by a psychologist, where there is reasonable expectation, because of the relationship between the client and the psychologist, or the circumstances under which the information was revealed or obtained, that the information was private.

(3) "Supervisee" means any person who functions under the extended authority of the psychologist to provide psychological services or any person who is in training and provides psychological services.

NEW SECTION

WAC 246-924-353 Competence. (1) Limits on practice. The psychologist shall limit practice to the areas in which he/she is competent. Competency at a minimum must be based upon appropriate education, training, or experience.

(2) Referral. The psychologist shall refer to other health care resources, legal authorities, or social service agencies when such referral is in the best interest of the client.

NEW SECTION

WAC 246-924-354 Maintenance and retention of records. (1) The psychologist rendering professional services to a client or clients or rendering services billed to a third party payor, shall document services except as provided in (g) of this subsection. That documentation shall include:

- (a) The presenting problem(s), purpose or diagnosis;
- (b) The fee arrangement;
- (c) The date and service provided;
- (d) A copy of all tests and evaluative reports prepared;
- (e) Notation and results of formal consults including information obtained from other persons or agencies through a release of information;

(f) Progress notes reflecting on-going treatment and current status;

(g) If a client requests that no treatment records be kept and the psychologist agrees to the request, the request must be in writing and only the following must be retained:

- (i) Identity of the recipient of services;
- (ii) Service dates and fees;
- (iii) Description of services;
- (iv) Written request that no records be kept.

(2) The psychologist shall not agree to the request if maintaining records is required by other state or federal law.

NEW SECTION

WAC 246-924-355 Continuity of care. The psychologist shall make arrangements to deal with emergency needs of her/his clients during periods of anticipated absences from the psychologist's routine professional availability.

NEW SECTION

WAC 246-924-356 Impaired objectivity. The psychologist shall not undertake or continue a professional relationship with a client when the competency of the psychologist is impaired due to mental, emotional, physical, pharmacological, or substance abuse conditions. If such a condition develops after a professional relationship has been

initiated, the psychologist shall terminate the relationship in an appropriate manner, and shall assist the client in obtaining services from another professional.

NEW SECTION

WAC 246-924-357 Multiple relationships. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client or a person associated with or related to the client. When such relationship impairs objectivity, the psychologist shall terminate the professional relationship with adequate notice and in an appropriate manner; and shall assist the client in obtaining services from another professional.

NEW SECTION

WAC 246-924-358 Sexual misconduct. (1) The psychologist shall never engage in sexual contact or sexual activity with current clients.

(2) Sexual contact or sexual activity is prohibited with a former client for two years after cessation or termination of professional services.

(3) The psychologist shall never engage in sexual contact or sexual activity with former clients if such contact or activity involves the abuse of the psychologist-client relationship. Factors which the board may consider in evaluating if the psychologist-client relationship has been abusive includes but is not limited to:

(a) The amount of time that has passed since therapy terminated;

(b) The nature and duration of the therapy;

(c) The circumstances of cessation or termination;

(d) The former client's personal history;

(e) The former client's current mental status;

(f) The likelihood of adverse impact on the former client and others; and

(g) Any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a post termination sexual or romantic relationship with the former client.

(4) The psychologist shall never engage in sexually harassing or demeaning behavior with current or former clients.

(5) Psychologists do not accept as therapy patients or clients, persons with whom they have engaged in sexual contact or activity.

NEW SECTION

WAC 246-924-359 Client welfare. (1) Providing explanation of procedures. The psychologist shall upon request give a truthful, understandable, and reasonably complete account of the client's condition to the client or to those responsible for the care of the client. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services

provided subject to the exceptions contained in the Uniform Health Care Information Act, chapter 70.02 RCW.

(2) Termination of services. Whenever professional services are terminated, the psychologist shall offer to help locate alternative sources of professional services or assistance if necessary. Psychologists shall terminate a professional relationship when it would become clear to a reasonable, prudent psychologist that the client no longer needs the service, is not benefitting, or is being harmed by continued service.

(3) Stereotyping. In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.

(4) Solicitation of business by clients. The psychologist shall not request or induce any client, who is not an organization, to solicit business on behalf of the psychologist.

(5) Referrals on request. When making referrals the psychologist shall do so in the best interest of the client. The referral shall not be motivated primarily by financial gain.

NEW SECTION

WAC 246-924-361 Exploiting supervisees and research subjects. (1) Psychologists shall not exploit persons over whom they have supervisory, evaluative, or other authority such as students, supervisees, employees, research participants, clients, or patients.

(2) Psychologist shall not engage in sexual relationships with students or supervisees in training over whom the psychologist has evaluative or direct authority.

NEW SECTION

WAC 246-924-363 Protecting confidentiality of clients. (1) In general. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional duties. With the exceptions set forth below, the psychologist shall disclose confidential information to others only with the informed written consent of the client.

When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. Such information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless the information was obtained in a separate professional relationship with that individual.

(2) Disclosure without informed written consent. The psychologist may disclose confidential information without the informed written consent of the client only in compliance with the Uniform Health Care Information Act, chapter 70.02 RCW.

(3) Services involving more than one interested party. In a situation in which more than one party has a legally recognized interest in the professional services rendered by the psychologist to a recipient, the psychologist shall, to the extent possible, clarify to all parties, in writing, prior to rendering the services the dimensions of confidentiality and

professional responsibility that shall pertain in the rendering of services. Such clarification is specifically indicated, among other circumstances, when the client is an organization.

(4) Legally dependent clients. At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is under the age of thirteen or who has a legal guardian of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist. For clients between the age of thirteen and eighteen, the psychologist shall clarify any limits to confidentiality between the minor and legal guardians at the outset of services. The psychologist will act in the minor's best interests in deciding whether to disclose confidential information to the legal guardians without the minor's consent.

(5) Limited access to client records. The psychologist shall limit access to client records and shall ensure that all persons working under his/her authority are familiar with the requirements for confidentiality of client material.

(6) When rendering psychological services as part of a team which includes nonhealth care professionals, if the psychologist shares confidential information about the client when so authorized by the client, the psychologist shall advise all persons receiving the information from the psychologist that the information should be maintained in a confidential manner.

(7) Reporting of abuse of children and vulnerable adults. The psychologist shall comply with chapter 26.44 RCW.

(8) Observation and electronic recording. The psychologist shall obtain documented informed consent of the client, guardian or agent for observed or electronically recorded sessions.

(9) Disguising confidential information. When case reports or other confidential information are used as the basis of teaching, research, or other published reports, the psychologist shall exercise reasonable care to insure that the reported material is appropriately disguised to prevent client identification.

(10) Confidentiality if client is deceased. The psychologist shall comply with the Uniform Health Care Information Act, chapter 70.02 RCW.

(11) Confidentiality after termination of professional relationship. The psychologist shall continue to treat information regarding a client as confidential after the professional relationship between the psychologist and the client has ceased.

NEW SECTION

WAC 246-924-364 Fees. (1) Disclosure of cost of services. The psychologist shall not mislead or withhold from the client, a prospective client, or third party payor, information about the cost of his/her professional services. A psychologist may participate in bartering only if:

- (a) It is not clinically contraindicated; and
- (b) The bartering relationship is not exploitive.

(2) Reasonableness of fee. The psychologist shall not exploit the client or responsible payor by charging a fee that is excessive for the services performed or by entering into an exploitive bartering arrangement in lieu of a fee.

NEW SECTION

WAC 246-924-365 Assessment procedures. (1) Communication of results. The psychologist shall accompany communication of assessment procedures and test results, including automated test results, with appropriate interpretive aids and explanations. Psychologists shall not rely exclusively on automated test results in performing assessments.

(2) Limitations regarding assessment results. When reporting of the results of an assessment procedure, the psychologist shall include any relevant reservations, qualifications or limitations which affect the validity, reliability, or other interpretation of results.

(3) Protection of integrity of assessment procedures. In publications, lectures, or public presentations, psychologists shall not reproduce or describe psychological tests or other devices in ways which might invalidate them.

(4) Psychologists shall maintain the integrity and security of tests and other assessment techniques consistent with contractual obligations and the law, including the Uniform Health Care Information Act, chapter 70.02 RCW.

(5) Advertising newly developed procedures. Information for professional users. The psychologist advertising for sale a newly developed assessment procedure or automated interpretation service to other professionals shall provide or make available a manual or other printed material which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the assessment procedure or interpretive service are factual and descriptive.

NEW SECTION

WAC 246-924-366 Fraud, misrepresentation, or deception. The psychologist shall not use fraud, misrepresentation, or deception in obtaining a psychology license, in passing a psychology licensing examination, in assisting another to obtain a psychology license, or to pass a psychology licensing examination, in billing clients or third party payors, in providing psychological service, in reporting the results of psychological evaluations or services, or in conducting any other activity related to the practice of psychology.

NEW SECTION

WAC 246-924-367 Aiding illegal practice. Delegating professional responsibility. The psychologist shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-924-350 Code of ethics—General considerations.

- WAC 246-924-360 Responsibility.
- WAC 246-924-370 Competence.
- WAC 246-924-380 Moral and legal standards.
- WAC 246-924-390 Public statements.
- WAC 246-924-400 Confidentiality.
- WAC 246-924-410 Welfare of the consumer.
- WAC 246-924-420 Professional relationships.
- WAC 246-924-430 Assessment techniques.
- WAC 246-924-440 Research with human participants.
- WAC 246-924-450 Care and use of animals.

WSR 93-07-037
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-04—Filed March 10, 1993, 4:29 p.m.]

Date of Adoption: March 10, 1993.

Purpose: To set forth policies and procedures for a teacher assistance program.

Citation of Existing Rules Affected by this Order: Amending WAC 392-196-005, 392-196-030, 392-196-080, and 392-196-095.

Statutory Authority for Adoption: RCW 28A.415.250 and 23A.415.010 [28A.415.010].

Pursuant to notice filed as WSR 93-02-017 on December 30, 1992.

Effective Date of Rule: Thirty-one days after filing.
 March 10, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 92-02, filed 2/18/92, effective 3/20/92)

WAC 392-196-005 Authority. The authority for this chapter is RCW (~~28A.405.450~~) 28A.415.250 which authorizes the superintendent of public instruction to adopt rules to establish and operate a teacher assistance program and RCW 28A.415.010 which authorizes the educational service district to administer, coordinate, and act as fiscal agent for the teacher assistance program.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-196-030 Definition—Beginning teacher(~~and experienced teacher~~) stipend. As used in this chapter, the term "beginning teacher stipend" shall mean an amount paid by a school district to a beginning teacher(~~and experienced teacher~~) for three days of attendance at the required workshops or training sessions. Such stipend, including the amount and conditions applicable, shall be set forth in a supplemental contract in accordance with and subject to the provisions of RCW 28A.405.240.

AMENDATORY SECTION (Amending Order 92-02, filed 2/18/92, effective 3/20/92)

WAC 392-196-080 School district application to ESD for participation in the teacher assistance program. Any district may apply to its educational service district for participation in the teacher assistance program. The application shall require the superintendent of the district to provide the following assurances:

(1) The board of directors of the district has reviewed the requirements of this chapter and has agreed to the conditions therein.

(2) The mentor teacher shall be paid a mentor teacher stipend.

(3) The beginning(~~and experienced~~) teacher shall be paid a beginning(~~and experienced~~) teacher stipend.

(4) The beginning(~~and experienced~~) teacher and mentor shall be required to attend and shall be reimbursed by the district for travel expenses for attendance at the educational service district sponsored workshops or training sessions.

(5) The mentor (~~teacher, the~~ ~~and~~) ~~and~~ beginning (~~teacher, and the~~ ~~experienced~~) teacher(~~is~~) shall be released from teaching responsibilities in order to jointly or separately observe each other or observe colleagues in teaching situations.

(6) The district shall provide for or approve two days of workshops as training sessions as defined in WAC 392-196-045. The mentor and beginning (~~or participating experienced~~) teacher(~~is~~) shall be required to attend together and shall be reimbursed by the district for expenses for attendance at the two school district sponsored or approved workshops or training sessions.

(7) The total released time from classroom teaching as required by subsection (5) of this section shall be at least twenty-four scheduled instructional hours per school year but no more than twenty-four scheduled instructional hours shall be paid for with funds made available under this chapter.

(8) Mentor teachers shall not be involved in evaluations of their beginning (~~or experienced~~) teachers conducted pursuant to RCW 28A.405.100.

(9) The mentor (~~teacher, and~~) ~~and~~ beginning teacher(~~is~~ ~~and experienced teacher~~) shall be required to complete and forward to the educational service district such evaluation reports of the teacher assistance program as requested by the educational service district.

(10) Mentor teachers shall periodically inform their principals respecting the contents of training sessions and other program activities.

(11) The superintendent of the district shall supply the educational service district, at times specified by the educational service district, such information as requested regarding the teacher assistance program, including agendas and evaluation material from each district sponsored or approved workshop or training session.

AMENDATORY SECTION (Amending Order 17, filed 10/20/89, effective 11/20/89)

WAC 392-196-095 Annual amount for distribution to participating school districts. The superintendent of public instruction annually shall establish a dollar amount per beginning teacher-mentor teacher team for distribution to districts for support of the teacher assistance program. Such

PERMANENT

distribution shall be used by the district exclusively for the following:

- (1) Mentor teacher stipends.
- (2) Travel expenses of the beginning ~~((experienced))~~ teachers and mentors for attendance at the educational service district workshops or training sessions.
- (3) Two days of school district sponsored or approved training workshops for the mentor and beginning ~~((and experienced))~~ teachers and expenses for the workshops.
- (4) Substitute teacher salaries for released time for mentor ~~((beginner;))~~ and ~~((experienced))~~ beginning teachers.
- (5) Beginning teacher stipends.
- (6) Appropriate fringe benefits associated with mentor and beginning teacher stipends.

WSR 93-07-039
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 93-05—Filed March 11, 1993, 4:04 p.m.]

Date of Adoption: March 10, 1993.

Purpose: To clarify procedure for requesting agency public records.

Citation of Existing Rules Affected by this Order: Amending WAC 392-105-030.

Statutory Authority for Adoption: RCW 42.17.250 - [42.17].320.

Pursuant to notice filed as WSR 93-03-002 on January 7, 1993.

Effective Date of Rule: Thirty-one days after filing.
 March 11, 1993
 Judith A. Billings
 Superintendent of
 Public Instruction

AMENDATORY SECTION (Amending Order 92-04, filed 4/28/92, effective 5/29/92)

WAC 392-105-030 Copying. No fee shall be charged for the inspection of public records. ~~((SPI))~~ The superintendent of public instruction may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse SPI for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate official. All charges must be paid by money order, check, or cash in advance.

AMENDATORY SECTION (Amending Order 92-04, filed 4/28/92, effective 5/29/92)

WAC 392-105-035 Determination regarding exempt records. (1) ~~((SPI))~~ The superintendent of public instruction reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 392-105-025 is exempt pursuant to the provisions set forth in RCW 42.17.310 and 42.17.315. Such determination may be made in consultation with the public records officer, counsel

for administrative law services, or an assistant attorney general assigned to the agency.

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

(3) Response to requests for a public record must be made promptly. Within five business days of receiving a public record request, the superintendent of public instruction shall respond by either:

(a) Providing the record;

(b) Acknowledging that the superintendent of public instruction has received the request and providing a reasonable estimate of the time the agency will require to respond to the request; or

(c) Denying the public record request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public record request that is unclear, the superintendent of public instruction may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the superintendent of public instruction need not respond to it.

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

AMENDATORY SECTION (Amending Order 92-04, filed 4/28/92, effective 5/29/92)

WAC 392-105-040 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

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

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

(4) During the course of the review ~~((SPI))~~ the superintendent of public instruction or his or her designee shall consider the obligations of the agency fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 through 42.17.315, and the provisions of the statute which

require the agency to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

AMENDATORY SECTION (Amending Order 92-04, filed 4/28/92, effective 5/29/92)

WAC 392-105-060 Records index. (1) The agency has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the agency after June 30, 1972:

(a) Final (~~options~~) opinions, including concurring and dissenting opinions, as well as orders, made in the adjudicated cases;

(b) Those statements of policy and interpretative policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructional staff that affect a member of the public;

(d) Planning policies and goals, and interim and planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the agency shall be available to all persons under the same rules and all the same conditions as are applied to public records available for inspection.

WSR 93-07-040
PERMANENT RULES
DEPARTMENT OF LICENSING
 (Cemetery Board)

[Filed March 12, 1993, 10:11 a.m.]

Date of Adoption: March 1, 1993.

Purpose: To provide procedures and guidelines for licensing individuals and companies engaged in the business of scattering, burying or other disposition of cremated remains outside of cemeteries pursuant to RCW 68.05.195.

Statutory Authority for Adoption: RCW 68.05.100.

Pursuant to notice filed as WSR 93-03-063 on January 15, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 98-60-020(2), deleted "or the funeral directors and embalmers board" and added "and such records shall be subject to inspection by the board"; and WAC 98-60-040(1), changed "Certificate of Disposition" to "Certificate of Disposition of Cremated Remains."

Effective Date of Rule: Thirty-one days after filing.

March 8, 1993
 Thomas Bock
 Chairman

Chapter 98-60 WAC
DISPOSITION OF CREMATED REMAINS

NEW SECTION

WAC 98-60-010 Definitions. The following definitions shall apply to this chapter:

(1) "Dedicated cemetery property" as used in this chapter means private cemetery property which has been dedicated in compliance with chapter 68.24 RCW, and cemetery property belonging to a public or religious cemetery as defined by RCW 68.05.400.

(2) "Board" as used in this chapter means the cemetery board.

(3) "Department" as used in this chapter means the department of licensing.

NEW SECTION

WAC 98-60-020 Permits and endorsements. (1) Anyone not authorized to control the disposition of remains under RCW 68.50.160 must register to obtain a permit or endorsement to bury or otherwise dispose of cremated remains by land, sea, or air, where such disposition is made outside dedicated cemetery property.

(2) Authorization under subsection (1) of this section for those holding licenses issued by the cemetery board shall be by an endorsement to their existing license. All other authorization shall be in the form of a permit issued by the board.

(3) In the case of a corporate applicant, the corporation shall apply for and hold the endorsement or permit.

NEW SECTION

WAC 98-60-030 Compliance with all laws. Permit and endorsement holders shall comply with all federal, state, and local laws related to the disposition of cremated remains.

NEW SECTION

WAC 98-60-040 Records and documentation. (1) Permit and endorsement holders must provide a Certificate of Disposition of Cremated Remains to the person authorizing the cremation. The certificate shall identify the name of the deceased, the location and date of the disposition of the cremated remains, the manner of disposition (boat, air, or other), the name of the authorizing agent, and, if applicable, the name of the funeral home, crematory, or cemetery arranging the service.

(2) Permit and endorsement holders must maintain copies of records required under subsection (1) of this section for seven years from the date of disposition and such records shall be subject to inspection by the board.

(3) Permit and endorsement holders shall report the number of dispositions performed in the previous year in the space provided on the annual renewal form supplied by the department. Failure to provide such a report shall automatically suspend the permit or endorsement. Such permit or

endorsement may be restored by making the proper report to the department.

NEW SECTION

WAC 98-60-050 Permits and endorsements—Terms—Fees. All permits or endorsements issued under this rule shall be issued for the year and shall expire at midnight, the thirty-first day of January of each year, or at whatever time during any year that ownership or control of any permit or endorsement holder is transferred or sold.

The fees shall be as set forth in chapter 98-70 WAC and the department shall collect in advance the fees required for licensing.

**WSR 93-07-041
PERMANENT RULES
DEPARTMENT OF LICENSING
(Cemetery Board)**

[Filed March 12, 1993, 10:15 a.m.]

Date of Adoption: March 1, 1993.

Purpose: Provide administrative amendments to WAC 98-70-010 to list fees for cremated remains disposition permit and endorsement.

Citation of Existing Rules Affected by this Order: Amending WAC 98-70-010.

Statutory Authority for Adoption: RCW 68.05.100.

Pursuant to notice filed as WSR 93-03-062 on January 15, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 8, 1993
Thomas Bock
Chairman

AMENDATORY SECTION (Amending Order PM 816, filed 3/1/89)

WAC 98-70-010 Fees. The following fees shall be charged by the Washington state cemetery board:

Title of Fee	Fee
Regulatory charges	
Charge per each preceding ((fealendar)) calendar year interments, entombments and inurnments	\$ 3.00
Prearrangement sales license	
Application	100.00
Renewal	50.00
Cremated remains disposition permit or endorsement	
Application	50.00
Renewal	25.00

Crematory license/endorsement fifty dollars/year plus fifty cents per cremation performed during applicable year.

**WSR 93-07-044
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Order 93-01—Filed March 13, 1993, 9:24 a.m., effective April 27, 1993]

Date of Adoption: March 13, 1993.

Purpose: Chapter 296-56 WAC, Longshore, stevedore, and related waterfront operations, federal-initiated amendment is to add a reference to the new sections adopted in chapter 296-62 WAC, relating to cadmium. The amendment is made to be at-least-as-effective-as the federal final rule, published in Federal Register Volume 57, Number 178, dated September 14, 1992; chapter 296-62 WAC, General occupational health standards, federal-initiated new sections are adopted to be at-least-as-effective-as the federal final rule, published in Federal Register Volume 57, Number 178, dated September 14, 1992. Employees exposed to cadmium face a significant risk to their health from lung cancer and serious kidney damage at the current permissible exposure limits and promulgating this standard will substantially reduce that risk. The information gathered during the federal rulemaking demonstrates that employees chronically exposed to levels of cadmium well below existing permissible exposure limits are at increased risk of developing kidney dysfunction and cancer. The new standard establishes a single 8-hour time weighted average permissible exposure limit (TWA PEL) of 5 micrograms of cadmium per cubic meter ($\mu\text{g}/\text{m}^3$) of air for all cadmium compounds, including dust fumes. Employers are required to comply with this limit primarily by means of engineering and work practice controls. For a small number of industries, WISHA has also established a separate engineering control air limit (SECAL) of 25 $\mu\text{g}/\text{m}^3$ as the lowest feasible level above the PEL that can be achieved by engineering and work practice controls. Like the PEL for other industries, the SECAL, where applicable, must be achieved by engineering and work practice controls except to the extent that the employer can demonstrate that such controls are not feasible. The state standard is substantially identical to the federal final rule; chapter 296-155 WAC, Safety standards for construction work, federal-initiated new section is adopted to be at-least-as-effective-as the federal final rule, published in Federal Register Volume 57, Number 178, dated September 14, 1992. Employees exposed to cadmium face a significant risk to their health from lung cancer and serious kidney damage at the current permissible exposure limits and promulgating this standard will substantially reduce that risk. The information gathered during the federal rulemaking demonstrates that employees chronically exposed to levels of cadmium well below existing permissible exposure limits are at increased risk of developing kidney dysfunction and cancer. The new standard establishes a single 8-hour time weighted average permissible exposure limit (TWA PEL) of 5 micrograms of cadmium per cubic meter ($\mu\text{g}/\text{m}^3$) of air for all cadmium compounds, including dust fumes. Employers are required to comply with this limit primarily by means of engineering and work practice controls. For a small number of industries, WISHA has also established a separate engineering control air limit (SECAL) of 25 $\mu\text{g}/\text{m}^3$ as the lowest feasible level above the PEL that can be achieved by engineering and work practice controls. Like the PEL for other industries, the SECAL, where applicable, must be

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achieved by engineering and work practice controls except to the extent that the employer can demonstrate that such controls are not feasible. The state standard is substantially identical to the federal final rule; and chapter 296-306 WAC, Safety standards for agriculture, federal-initiated new section is to add a reference to the new sections proposed in chapter 296-62 WAC, relating to cadmium. The new section is adopted to be at-least-as-effective-as the federal final rule, published in Federal Register Volume 57, Number 178, dated September 14, 1992.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-56-60001.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 93-02-057 on January 6, 1993.

Changes Other than Editing from Proposed to Adopted Version: References to "cadwelding" in WAC 296-155-174 have been corrected to read "cadmium-welding" to comply with the intent of the standard. "Cadwelding" is a registered trademark process and there is no cadmium involved in that process.

Effective Date of Rule: April 27, 1993.

March 13, 1993

Mark O. Brown

Director

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/08/92)

WAC 296-56-60001 Scope and applicability. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all longshore, stevedore and related waterfront operations: *Provided*, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—Chapter 296-24 WAC Part L.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) Hearing conservation—Chapter 296-62 WAC Part K.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—Chapter 296-24 WAC Part J-1.

(f) Safe practices of abrasive blasting operations—Chapter 296-24 WAC Part H-2.

(g) Access to employee exposure and medical records—Chapter 296-62 WAC Part B.

(h) Respiratory protection—Chapter 296-62 WAC Part E.

(i) Safety standards for grain handling facilities—Chapter 296-99 WAC.

(j) Hazard communication purpose—Chapter 296-62 WAC Part C.

(k) Asbestos—Chapters 296-62 Part I-1 and 296-65 WAC.

(l) Confined space—Chapter 296-62 WAC Part M.

(m) Servicing multi-piece and single-piece rim wheels—Chapter 296-24 WAC Part D.

(4) The provisions of this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

(5) WAC 296-62-074 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-56 WAC in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

NEW SECTION

WAC 296-62-074 Cadmium.

NEW SECTION

WAC 296-62-07401 Scope. This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, and in all industries covered by the Washington Industrial Safety and Health Act, except the construction-related industries, which are covered under WAC 296-155-174.

NEW SECTION

WAC 296-62-07403 Definitions. (1) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air (2.5 µg/m³), calculated as an 8-hour time-weighted average (TWA).

(2) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by the WISH Act or regulations issued under it to be in regulated areas.

(3) Director means the director of the department of labor and industries, or authorized representatives.

(4) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(5) Final medical determination is the written medical opinion of the employee's health status by the examining physician under WAC 296-62-07423(3) through (12) or, if multiple physician review under WAC 296-62-07423(13) or the alternative physician determination under WAC 296-62-07423(14) is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(6) High-efficiency particulate absolute (HEPA) air filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(7) Regulated area means an area demarcated by the employer where an employee's exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

NEW SECTION

WAC 296-62-07405 Permissible exposure limit (PEL). The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average exposure (TWA).

NEW SECTION

WAC 296-62-07407 Exposure monitoring. (1) General.

(a) Each employer who has a workplace or work operation covered by this section shall determine if any employee may be exposed to cadmium at or above the action level.

(b) Determinations of employee exposure shall be made from breathing zone air samples that reflect the monitored employee's regular, daily 8-hour TWA exposure to cadmium.

(c) 8-hour TWA exposures shall be determined for each employee on the basis of one or more personal breathing zone air samples reflecting full shift exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, in the same work area, and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In representative sampling, the employer shall sample the employee(s) expected to have the highest cadmium exposures.

(2) Specific.

(a) Initial monitoring. Except as provided for in (b) and (c) of this subsection, the employer shall monitor employee exposures and shall base initial determinations on the monitoring results.

(b) Where the employer has monitored after September 14, 1991, under conditions that in all important aspects closely resemble those currently prevailing and where that monitoring satisfies all other requirements of this section, including the accuracy and confidence levels of subsection (6) of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of WAC 296-62-07427 (2)(a).

(c) Where the employer has objective data, as defined in WAC 296-62-07427(2), demonstrating that employee exposure to cadmium will not exceed the action level under the expected conditions of processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(3) Monitoring frequency (periodic monitoring).

(a) If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer shall monitor at a frequency and pattern needed to represent the levels of exposure of employees and where exposures are above the PEL to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls. However, such exposure monitoring shall be performed at least every six months. The employer, at a minimum, shall continue these semiannual measurements unless and until the conditions set out in (b) of this subsection are met.

(b) If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level and that result is confirmed by the results of another monitoring taken at least seven days later, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(4) Additional monitoring. The employer also shall institute the exposure monitoring required under (2)(a) and (3) of this section whenever there has been a change in the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer has any reason to suspect that any other change might result in such further exposure.

(5) Employee notification of monitoring results.

(a) Within fifteen working days after the receipt of the results of any monitoring performed under this section, the employer shall notify each affected employee individually in writing of the results. In addition, within the same time period the employer shall post the results of the exposure monitoring in an appropriate location that is accessible to all affected employees.

(b) Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the written notice a statement that the PEL has been exceeded and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.

(6) Accuracy of measurement. The employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus twenty-five percent, with a confidence level of ninety-five percent, for airborne concentrations of cadmium at or above the action level, the permissible exposure limit (PEL), and the separate engineering control air limit (SECAL).

NEW SECTION

WAC 296-62-07409 Regulated areas. (1) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).

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(2) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the regulated area.

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

(4) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with WAC 296-62-07413(2).

(5) Prohibited activities. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, carry the products associated with these activities into regulated areas, or store such products in those areas.

NEW SECTION

WAC 296-62-07411 Methods of compliance. (1) Compliance hierarchy.

(a) Except as specified in (b), (c), and (d) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(b) Except as specified in (c) and (d) of this subsection, in industries where a separate engineering control air limit (SECAL) has been specified for particular processes (Table 1 of this subsection), the employer shall implement engineering and work practice controls to reduce and maintain employee exposure at or below the SECAL, except to the extent that the employer can demonstrate that such controls are not feasible.

Table I.—Separate Engineering Control Airborne Limits (SECALs) for Processes in Selected Industries

Industry	Process	SECAL (µg/m ³)
Nickel cadmium battery	Plate making, plate preparation	50
	All other processes	15
Zinc/Cadmium refining*	Cadmium refining, casting, melting, oxide production, sinter plant	50
Pigment manufacture	Calcine, crushing, milling, blending	50
	All other processes	15
Stabilizers*	Cadmium oxide charging, crushing, drying, blending	50
	blending	
Lead smelting*	Sinter plant, blast furnace, baghouse, yard area	50
Plating*	Mechanical plating	15

* Processes in these industries that are not specified in this table must achieve the PEL using engineering controls and work practices as required in (a) of this subsection.

(c) The requirement to implement engineering and work practice controls to achieve the PEL or, where applicable, the SECAL does not apply where the employer demonstrates the following:

- (i) The employee is only intermittently exposed; and
- (ii) The employee is not exposed above the PEL on thirty or more days per year (twelve consecutive months).

(d) Wherever engineering and work practice controls are required and are not sufficient to reduce employee exposure to or below the PEL or, where applicable, the SECAL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of WAC 296-62-07413 and the PEL.

(e) The employer shall not use employee rotation as a method of compliance.

(2) Compliance program.

(a) Where the PEL is exceeded, the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL by means of engineering and work practice controls, as required by subsection (1) of this section. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the employer shall include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(b) Written compliance programs shall include at least the following:

(i) A description of each operation in which cadmium is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures, and maintenance practices;

(ii) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to cadmium, as well as, where necessary, the use of appropriate respiratory protection to achieve the PEL;

(iii) A report of the technology considered in meeting the PEL;

(iv) Air monitoring data that document the sources of cadmium emissions;

(v) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(vi) A work practice program that includes items required under WAC 296-62-07415, 296-62-07417, and 296-62-07419;

(vii) A written plan for emergency situations, as specified in WAC 296-62-07415; and

(viii) Other relevant information.

(c) The written compliance programs shall be reviewed and updated at least annually, or more often if necessary, to reflect significant changes in the employer's compliance status.

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

(3) Mechanical ventilation.

(a) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(b) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(c) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(d) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

(4) Compliance program. Where employee exposure to cadmium exceeds the PEL and the employer is required under subsection (1) of this section to implement controls to comply with the PEL, prior to the commencement of the job, the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL.

NEW SECTION

WAC 296-62-07413 Respirator protection. (1) General. Where respirators are required by this section, the employer shall provide them at no cost to the employee and shall assure that they are used in compliance with the requirements of this section. Respirators shall be used in the following circumstances:

(a) Where exposure levels exceed the PEL, during the time period necessary to install or implement feasible engineering and work practice controls;

(b) In those maintenance and repair activities and during those brief or intermittent operations where exposures exceed the PEL and engineering and work practice controls are not feasible or are not required;

(c) In regulated areas, as prescribed in WAC 296-62-07409;

(d) Where the employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(e) In emergencies;

(f) Wherever an employee who is exposed to cadmium at or above the action level requests a respirator;

(g) Wherever an employee is exposed above the PEL in an industry to which a SECAL is applicable; and

(h) Wherever an employee is exposed to cadmium above the PEL and engineering controls are not required under WAC 296-62-07411 (1)(c).

(2) Respirator selection.

(a) Where respirators are required under this section, the employer shall select and provide the appropriate respirator as specified in Table 2. The employer shall select respirators from among those jointly approved as acceptable protection against cadmium dust, fume, and mist 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.

Table 2.—Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half mask, air-purifying respirator equipped with a HEPA ^c filter. ^d

25 x or less

A powered air-purifying respirator ("PAPR") with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.

50 x or less

A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half mask operated in the continuous flow mode.

250 x or less

A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.

1000 x or less

A supplied-air respirator with half mask or full facepiece operated in the pressure demand or other positive pressure mode.

>1000 x or unknown concentrations

A self-contained breathing apparatus with unknown concentrations a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.

Fire fighting

A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

^a Concentrations expressed as multiple of the PEL.

^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL (10x5 µg/m³=50 µg/m³). A full facepiece respirator is required when eye irritation is experienced.

^c HEPA means High Efficiency Particulate Absolute.

^d Fit testing, qualitative or quantitative, is required.

SOURCE: Respiratory Decision Logic, NIOSH, 1987.

(b) The employer shall provide a powered, air-purifying respirator (PAPR) in lieu of a negative pressure respirator wherever:

(i) An employee entitled to a respirator chooses to use this type of respirator; and

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(ii) This respirator will provide adequate protection to the employee.

(3) Respirator program.

(a) Where respiratory protection is required, the employer shall institute a respirator protection program in accordance with chapter 296-62 WAC, Part E.

(b) The employer shall permit each employee who is required to use an air purifying respirator to leave the regulated area to change the filter elements or replace the respirator whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(c) The employer shall also permit each employee who is required to wear a respirator to leave the regulated area to wash his or her face and the respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(d) If an employee exhibits difficulty in breathing while wearing a respirator during a fit test or during use, the employer shall make available to the employee a medical examination in accordance with WAC 296-62-07423 (6)(b) to determine if the employee can wear a respirator while performing the required duties.

(e) No employee shall be assigned a task requiring the use of a respirator if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to continue to function normally while wearing a respirator. If the physician determines the employee must be limited in, or removed from his or her current job because of the employee's inability to wear a respirator, the limitation or removal shall be in accordance with WAC 296-62-07423 (11) and (12).

(4) Respirator fit testing.

(a) The employer shall assure that the respirator issued to the employee is fitted properly and exhibits the least possible facepiece leakage.

(b) For each employee wearing a tight-fitting, air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that do not exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform either quantitative or qualitative fit testing at the time of initial fitting and at least annually thereafter. If quantitative fit testing is used for a negative pressure respirator, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 2 in subsection (2)(a) of this section) shall be achieved at testing.

(c) For each employee wearing a tight-fitting air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. For negative-pressure respirators, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 2 in subsection (2)(a) of this section) shall be achieved during quantitative fit testing.

(d) For each employee wearing a tight-fitting, supplied-air respirator or self-contained breathing apparatus, the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. This shall be accomplished by fit testing an air purifying respirator of identical type facepiece, make, model, and size as the

supplied air respirator or self-contained breathing apparatus that is equipped with HEPA filters and tested as a surrogate (substitute) in the negative pressure mode. A fit factor that is at least 10 times the protection factor for that class of respirators (Table 2 in subsection (2)(a) of this section) shall be achieved during quantitative fit testing. A supplied-air respirator or self-contained breathing apparatus with the same type facepiece, make, model, and size as the air purifying respirator with which the employee passed the quantitative fit test may then be used by that employee up to the protection factor listed in Table 2 for that class of respirators.

(e) Fit testing shall be conducted in accordance with WAC 296-62-07445, Appendix C.

NEW SECTION

WAC 296-62-07415 Emergency situations. The employer shall develop and implement a written plan for dealing with emergency situations involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

NEW SECTION

WAC 296-62-07417 Protective work clothing and equipment. (1) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

(a) Coveralls or similar full-body work clothing;

(b) Gloves, head coverings, and boots or foot coverings; and

(c) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-24-078.

(2) Removal and storage.

(a) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with WAC 296-62-07419(1).

(b) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(c) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(d) The employer shall assure that bags or containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance, or disposal shall bear labels in accordance with WAC 296-62-07425(2).

(3) Cleaning, replacement, and disposal.

(a) The employer shall provide the protective clothing and equipment required by subsection (1) of this section in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this paragraph to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(b) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(c) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(d) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in WAC 296-62-07405.

(e) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

NEW SECTION

WAC 296-62-07419 Hygiene areas and practices.

(1) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-24-120.

(2) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(3) Showers and handwashing facilities.

(a) The employer shall assure that employees who are exposed to cadmium above the PEL shower during the end of the work shift.

(b) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(4) Lunchroom facilities.

(a) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 µg/m³.

(b) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

NEW SECTION

WAC 296-62-07421 Housekeeping. (1) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(2) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(3) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(4) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(5) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(6) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(7) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with WAC 296-62-07425(2).

NEW SECTION

WAC 296-62-07423 Medical surveillance. (1) General.

(a) Scope.

(i) Currently exposed. The employer shall institute a medical surveillance program for all employees who are or may be exposed to cadmium at or above the action level unless the employer demonstrates that the employee is not, and will not be, exposed at or above the action level on thirty or more days per year (twelve consecutive months); and

(ii) Previously exposed. The employer shall also institute a medical surveillance program for all employees who prior to the effective date of this section might previously have been exposed to cadmium at or above the action level by the employer, unless the employer demonstrates that the employee did not prior to the effective date of this section work for the employer in jobs with exposure to cadmium for an aggregated total of more than sixty months.

(b) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in subsection (6) of this section.

(c) The employer shall assure that all medical examinations and procedures required by this standard are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-

07441, appendix A, the regulatory text of this section, the protocol for sample handling and laboratory selection in WAC 296-62-07451, appendix F and the questionnaire of WAC 296-62-07447, appendix D. These examinations and procedures shall be provided without cost to the employee and at a time and place that is reasonable and convenient to employees.

(d) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees under this section is performed in laboratories with demonstrated proficiency for that particular analyte. (See WAC 296-62-07451, appendix F.)

(2) Initial examination.

(a) The employer shall provide an initial (preplacement) examination to all employees covered by the medical surveillance program required in subsection (1)(a) of this section. The examination shall be provided to those employees within thirty days after initial assignment to a job with exposure to cadmium or no later than ninety days after the effective date of this section, whichever date is later.

(b) The initial (preplacement) medical examination shall include:

(i) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(ii) Biological monitoring that includes the following tests:

(A) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(B) Beta-2 microglobulin in urine (β_2 -M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, appendix F; and

(C) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(c) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b) of this subsection within the past twelve months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of subsections (3) and (4) of this section.

(3) Actions triggered by initial biological monitoring:

(a) If the results of the initial biological monitoring tests show the employee's CdU level to be at or below 3 $\mu\text{g/g}$ Cr, β_2 -M level to be at or below 300 $\mu\text{g/g}$ Cr and CdB level to be at or below 5 $\mu\text{g/lwb}$, then:

(i) For currently exposed employees, who are subject to medical surveillance under subsection (1)(a)(i) of this section, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in subsection (4)(a) of this section; and

(ii) For previously exposed employees, who are subject to medical surveillance under subsection (1)(a)(ii) of this section, the employer shall provide biological monitoring for CdU, β_2 -M, and CdB within one year after the initial biological monitoring and then the employer shall comply with the requirements of subsection (4)(e) of this section.

(b) For all employees who are subject to medical surveillance under subsection (1)(a) of this section, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 $\mu\text{g/g}$ Cr, the level of β_2 -M to exceed 300 $\mu\text{g/g}$ Cr, or the level of CdB to exceed 5 $\mu\text{g/lwb}$, the employer shall:

(i) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(A) Reassess the employee's work practices and personal hygiene;

(B) Reevaluate the employee's respirator use, if any, and the respirator program;

(C) Review the hygiene facilities;

(D) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(E) Assess the employee's smoking history and status;

(ii) Within thirty days after the exposure reassessment, specified in (b)(ii) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium; and,

(iii) Within ninety days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of WAC 296-62-07423 (4)(b). After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 $\mu\text{g/g}$ Cr, β_2 -M level falls to or below 300 $\mu\text{g/g}$ Cr and CdB level falls to or below 5 $\mu\text{g/lwb}$, the employer shall:

(A) Provide biological monitoring in accordance with subsection (2)(b)(ii) of this section on a semiannual basis; and

(B) Provide annual medical examinations in accordance with subsection (4)(b) of this section.

(c) For all employees who are subject to medical surveillance under subsection (1)(a) of this section, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 $\mu\text{g/g}$ Cr, or the level of CdB to be in excess of 15 $\mu\text{g/lwb}$, or the level of β_2 -M to be in excess of 1,500 $\mu\text{g/g}$ Cr, the employer shall comply with the requirements of (b)(i) and (ii) of this subsection. Within ninety days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of subsection (4)(b) of this section. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 $\mu\text{g/g}$ Cr; or CdB exceeds 15 $\mu\text{g/lwb}$; or β_2 -M exceeds 1500 $\mu\text{g/g}$ Cr, and in addition CdU exceeds 3 $\mu\text{g/g}$ Cr or CdB exceeds 5 $\mu\text{g/liter}$ of whole blood, then the physician shall medically

remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, β_2 -M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(i) Periodically reassess the employee's occupational exposure to cadmium;

(ii) Provide biological monitoring in accordance with subsection (2)(b)(ii) of this section on a quarterly basis; and

(iii) Provide semiannual medical examinations in accordance with subsection (4)(b) of this section.

(d) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (a) through (c) of this subsection:

(i) If the results of the initial biological monitoring tests show the employee's CdU level to be at or below 3 µg/g Cr, β_2 -M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then for currently exposed employees, the employer shall comply with the requirements of (a)(i) of this subsection and for previously exposed employees, the employer shall comply with the requirements of (a)(ii) of this subsection;

(ii) If the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of β_2 -M to exceed 300 µg/g Cr, or the level of CdB to exceed 5 µg/lwb, the employer shall comply with the requirements of (b)(i) through (iii) of this subsection; and

(iii) If the results of the initial biological monitoring tests show the level of CdU to be in excess of 7 µg/g Cr, or the level of CdB to be in excess of 10 µg/lwb, or the level of β_2 -M to be in excess of 750 µg/g Cr, the employer shall: Comply with the requirements of (b)(i) through (ii) of this subsection; and, within ninety days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of subsection (4)(b) of this section. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or β_2 -M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, β_2 -M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall: periodically reassess the employee's occupational exposure to cadmium; provide

biological monitoring in accordance with subsection (2)(b)(ii) of this section on a quarterly basis; and provide semiannual medical examinations in accordance with subsection (4)(b) of this section.

(4) Periodic medical surveillance.

(a) For each employee who is covered under subsection (1)(a)(i) of this section, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the initial examination required by subsection (2) of this section and thereafter at least biennially. Biological sampling shall be provided at least annually, either as part of a periodic medical examination or separately as periodic biological monitoring.

(b) The periodic medical examination shall include:

(i) A detailed medical and work history, or update thereof, with emphasis on: Past, present and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; and as part of the medical and work history, for employees who wear respirators, questions 3-11 and 25-32 in WAC 296-62-07447, Appendix D;

(ii) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(iii) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest X-ray (after the initial X-ray, the frequency of chest X-rays is to be determined by the examining physician);

(iv) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(v) Biological monitoring, as required in subsection (2)(b)(ii) of this section;

(vi) Blood analysis, in addition to the analysis required under this section, including blood urea nitrogen, complete blood count, and serum creatinine;

(vii) Urinalysis, in addition to the analysis required under subsection (2)(b)(ii) of this section, including the determination of albumin, glucose, and total and low molecular weight proteins;

(viii) For males over forty years old, prostate palpation, or other at least as effective diagnostic test(s); and

(ix) Any additional tests deemed appropriate by the examining physician.

(c) Periodic biological monitoring shall be provided in accordance with subsection (2)(b)(ii) of this section.

(d) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the employee's CdU, β_2 -M, or CdB to be in excess of the levels specified in subsection (3)(b) through (c) of this section; or, beginning on January 1, 1999, in excess of the levels specified in subsection (3)(d) of this section, the employer shall take the appropriate actions specified in subsection (3)(b) through (e) of this section.

(e) For previously exposed employees under subsection (1)(a)(ii) of this section:

(i) If the employee's levels of CdU did not exceed 3 µg/g Cr, CdB did not exceed 5 µg/lwb, and β₂-M did not exceed 300 µg/g Cr in the initial biological monitoring tests, and if the results of the followup biological monitoring required by subsection (3)(a)(ii) of this section within one year after the initial examination confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(ii) If the initial biological monitoring results for CdU, CdB, or β₂-M were in excess of the levels specified in subsection (3)(a) of this section, but subsequent biological monitoring results required by subsection (3)(b) through (e) of this section show that the employee's CdU levels no longer exceed 3 µg/g Cr, CdB levels no longer exceed 5 µg/lwb, and β₂-M levels no longer exceed 300 µg/g Cr, the employer shall provide biological monitoring for CdU, CdB, and β₂-M within one year after these most recent biological monitoring results. If the results of the followup biological monitoring within one year, specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(iii) However, if the results of the follow-up tests specified in (e)(i) or (ii) of this subsection indicate that the level of the employee's CdU, β₂-M, or CdB exceeds these same levels, the employer is required to provide annual medical examinations in accordance with the provisions of (b) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(f) A routine, biennial medical examination is not required to be provided in accordance with subsections (3)(a) and (4) of this section if adequate medical records show that the employee has been examined in accordance with the requirements of (b) of this subsection within the past twelve months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(5) Actions triggered by medical examinations.

If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under subsections (2), (3), or (4) of this section, the employer, within thirty days, shall reassess the employee's occupational exposure to cadmium and take the following corrective action until the physician determines they are no longer necessary:

(a) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; and the maintenance and effectiveness of the relevant engineering controls;

(b) Within thirty days after the reassessment, take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium;

(c) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity

until the results are normal or the employee is medically removed; and

(d) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(6) Examination for respirator use.

(a) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (a)(i) through (iv) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than ninety days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding twelve months that satisfies the requirements of this paragraph.

(i) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculoskeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, appendix D;

(ii) A blood pressure test;

(iii) Biological monitoring of the employee's levels of CdU, CdB and β₂-M in accordance with the requirements of subsection (2)(b)(ii) of this section, unless such results already have been obtained within the previous twelve months; and

(iv) Any other test or procedure that the examining physician deems appropriate.

(b) After reviewing all the information obtained from the medical examination required in (a) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(c) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with subsection (4)(b) of this section to determine the employee's fitness to wear a respirator.

(d) Where the results of the examination required under (a) or (b) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(7) Emergency examinations.

(a) In addition to the medical surveillance required in subsections (2) through (6) of this section, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(b) The examination shall include the requirements of subsection (4)(b) of this section, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure, as identified in WAC 296-62-07441 (2)(b)(i) through (ii) and (4), appendix A.

(8) Termination of employment examination.

(a) At termination of employment, the employer shall provide a medical examination in accordance with subsection

(4)(b) of this section, including a chest x-ray, to any employee to whom at any prior time the employer was required to provide medical surveillance under subsection (1)(a) or (7) of this section. However, if the last examination satisfied the requirements of subsection (4)(b) of this section and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in subsection (3) or (5) of this section;

(b) However, for employees covered by subsection (1)(a)(ii) of this section, if the employer has discontinued all periodic medical surveillance under subsection (4)(e) of this section, no termination of employment medical examination is required.

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

(a) A copy of this standard and appendices;

(b) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;

(c) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;

(d) A description of any personal protective equipment, including respirators, used or to be used by the employee, including when and for how long the employee has used that equipment; and

(e) Relevant results of previous biological monitoring and medical examinations.

(10) Physician's written medical opinion.

(a) The employer shall promptly obtain a written, signed medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(i) The physician's diagnosis for the employee;

(ii) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(iii) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(iv) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(v) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(b) The employer promptly shall obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under subsections (2) and (4) of this section, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(c) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(11) Medical removal protection (MRP).

(a) General.

(i) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under subsection (3), (4), or (6) of this section and on each occasion that a physician determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(ii) The employer shall medically remove an employee in accordance with this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(iii) Whenever an employee is medically removed under this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in that paragraph as soon as one becomes available.

(iv) For any employee who is medically removed under the provisions of (a) of this subsection, the employer shall provide follow-up biological monitoring in accordance with subsection (2)(b)(ii) of this section at least every three months and follow-up medical examinations semiannually at least every six months until in a written medical opinion the examining physician determines that either the employee may be returned to his/her former job status as specified under (d) through (e) of this subsection or the employee must be permanently removed from excess cadmium exposure.

(v) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(b) Where an employee is found unfit to wear a respirator under subsection (6)(b) of this section, the employer shall remove the employee from work where exposure to cadmium is above the PEL.

(c) Where removal is based on any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(d) Except as specified in (e) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or β_2 -M exceeded the mandatory medical removal trigger levels in subsection (3) or (4) of this section may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 $\mu\text{g/g}$ Cr, CdB falls to or below 5 $\mu\text{g/lwb}$, and β_2 -M falls to or below 300 $\mu\text{g/g}$ Cr.

(e) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter, the returned employee shall

continue to be provided with medical surveillance as if he/she were still on medical removal until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB falls to or below 5 µg/lwb, and β₂-M falls to or below 300 µg/g Cr.

(f) Where an employer, although not required by (a) through (c) of this subsection to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under subsection (12) of this section as would have been provided had the removal been required under (a) through (c) of this subsection.

(12) Medical removal protection benefits (MRPB).

(a) The employer shall provide MRPB for up to a maximum of eighteen months to an employee each time and while the employee is temporarily medically removed under subsection (11) of this section.

(b) For purposes of this section, the requirement that the employer provide MRPB means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status, as if the employee had not been removed from the employee's job or otherwise medically limited.

(c) Where, after eighteen months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(i) The employer shall make available to the employee a medical examination pursuant to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(ii) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any, should be taken to protect the employee's health.

(d) The employer may condition the provision of MRPB upon the employee's participation in medical surveillance provided in accordance with this section.

(13) Multiple physician review.

(a) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(i) Review any findings, determinations, or recommendations of the initial physician; and

(ii) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(b) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, multiple physician review upon the employee doing the following within fifteen days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(i) Informing the employer that he or she intends to seek a medical opinion; and

(ii) Initiating steps to make an appointment with a second physician.

(c) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(d) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(i) Review any findings, determinations, or recommendations of the other two physicians; and

(ii) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(e) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement that is consistent with the recommendations of at least one of the other two physicians.

(14) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by subsection (13) of this section, so long as the alternative is expeditious and at least as protective of the employee.

(15) Information the employer must provide the employee.

(a) The employer shall provide a copy of the physician's written medical opinion to the examined employee within two weeks after receipt thereof.

(b) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within two weeks after receipt thereof.

(c) Within thirty days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under subsection (9) of this section.

(16) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by exposure to occupational factors associated with employment as specified in WAC 296-27-060.

NEW SECTION

WAC 296-62-07425 Communication of cadmium hazards to employees. (1) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In addition, employers shall comply with the following requirements:

(2) Warning signs.

(a) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) Warning signs required by (a) of this subsection shall bear the following information:

DANGER CADMIUM CANCER HAZARD CAN CAUSE LUNG
AND KIDNEY DISEASE AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED IN THIS AREA

(c) The employer shall assure that signs required by this paragraph are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(3) Warning labels.

(a) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (b) of this subsection.

(b) The warning labels shall include at least the following information:

DANGER CONTAINS CADMIUM CANCER HAZARD AVOID
CREATING DUST CAN CAUSE LUNG AND KIDNEY DISEASE

(c) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(4) Employee information and training.

(a) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(b) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(c) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(i) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, appendix A;

(ii) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(iii) The engineering controls and work practices associated with the employee's job assignment;

(iv) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(v) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(vi) The purpose and a description of the medical surveillance program required by WAC 296-62-07423;

(vii) The contents of this section and its appendices; and

(viii) The employee's rights of access to records under WAC 296-62-05213.

(d) Additional access to information and training program and materials.

(i) The employer shall make a copy of this section and its appendices readily available without cost to all affected employees and shall provide a copy if requested.

(ii) The employer shall provide to the director, upon request, all materials relating to the employee information and the training program.

NEW SECTION

WAC 296-62-07427 Recordkeeping. (1) Exposure monitoring.

(a) The employer shall establish and keep an accurate record of all air monitoring for cadmium in the workplace.

(b) This record shall include at least the following information:

(i) The monitoring date, duration, and results in terms of an 8-hour TWA of each sample taken;

(ii) The name, Social Security number, and job classification of the employees monitored and of all other employees whose exposures the monitoring is intended to represent;

(iii) A description of the sampling and analytical methods used and evidence of their accuracy;

(iv) The type of respiratory protective device, if any, worn by the monitored employee;

(v) A notation of any other conditions that might have affected the monitoring results.

(c) The employer shall maintain this record for at least thirty years, in accordance with chapter 296-62 WAC, Part B.

(2) Objective data for exemption from requirement for initial monitoring.

(a) For purposes of this section, objective data are information demonstrating that a particular product or material containing cadmium or a specific process, operation, or activity involving cadmium cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from an industry-wide study or from laboratory product test results from manufacturers of cadmium-containing products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices and environmental conditions in the employer's current operations.

(b) The employer shall establish and maintain a record of the objective data for at least thirty years.

(3) Medical surveillance.

(a) The employer shall establish and maintain an accurate record for each employee covered by medical surveillance under WAC 296-62-07423 (1)(a).

(b) The record shall include at least the following information about the employee:

(i) Name, Social Security number, and description of the duties;

(ii) A copy of the physician's written opinions and an explanation sheet for biological monitoring results;

(iii) A copy of the medical history, and the results of any physical examination and all test results that are required to be provided by this section, including biological tests, x-rays, pulmonary function tests, etc., or that have been

obtained to further evaluate any condition that might be related to cadmium exposure;

(iv) The employee's medical symptoms that might be related to exposure to cadmium; and

(v) A copy of the information provided to the physician as required by WAC 296-62-07423 (9)(b) through (e).

(c) The employer shall assure that this record is maintained for the duration of employment plus thirty years, in accordance with chapter 296-62 WAC, Part B.

(4) Training. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification records shall be prepared at the completion of training and shall be maintained on file for one year beyond the date of training of that employee.

(5) Availability.

(a) Except as otherwise provided for in this section, access to all records required to be maintained by subsections (1) through (4) of this section shall be in accordance with the provisions of chapter 296-62 WAC, Part B.

(b) Within fifteen days after a request, the employer shall make an employee's medical records required to be kept by subsection (3) of this section available for examination and copying to the subject employee, to designated representatives, to anyone having the specific written consent of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

(6) Transfer of records. Whenever an employer ceases to do business and there is no successor employer to receive and retain records for the prescribed period or the employer intends to dispose of any records required to be preserved for at least thirty years, the employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

NEW SECTION

WAC 296-62-07429 Observation of monitoring. (1) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to cadmium.

(2) Observation procedures. When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with that clothing and equipment and shall assure that the observer uses such clothing and equipment and complies with all other applicable safety and health procedures.

NEW SECTION

WAC 296-62-07431 Dates. (1) Effective date. This section shall become effective April 30, 1993.

(2) Start-up dates. All obligations of this section commence on the effective date except as follows:

(a) Exposure monitoring. Except for small businesses (nineteen or fewer employees), initial monitoring required by WAC 296-62-07407(2) shall be completed as soon as possible and in any event no later than sixty days after the effective date of this standard. For small businesses, initial

monitoring required by WAC 296-62-07407(2) shall be completed as soon as possible and in any event no later than one hundred twenty days after the effective date of this standard.

(b) Regulated areas. Except for small business, defined under (a) of this subsection, regulated areas required to be established by WAC 296-62-07409 shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than ninety days after the effective date of this section. For small businesses, regulated areas required to be established by WAC 296-62-07409 shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than one hundred fifty days after the effective date of this section.

(c) Respiratory protection. Except for small businesses, defined under (a) of this subsection, respiratory protection required by WAC 296-62-07413 shall be provided as soon as possible and in any event no later than ninety days after the effective date of this section. For small businesses, respiratory protection required by WAC 296-62-07413 shall be provided as soon as possible and in any event no later than one hundred fifty days after the effective date of this section.

(d) Compliance program. Written compliance programs required by WAC 296-62-07411(2) shall be completed and available for inspection and copying as soon as possible and in any event no later than one year after the effective date of this section.

(e) Methods of compliance. The engineering controls required by WAC 296-62-07411(1) shall be implemented as soon as possible and in any event no later than two years after the effective date of this section. Work practice controls shall be implemented as soon as possible. Work practice controls that are directly related to engineering controls to be implemented in accordance with the compliance plan shall be implemented as soon as possible after such engineering controls are implemented.

(f) Hygiene and lunchroom facilities.

(i) Handwashing facilities, permanent or temporary, shall be provided in accordance with WAC 296-24-12009 as soon as possible and in any event no later than sixty days after the effective date of this section.

(ii) Change rooms, showers, and lunchroom facilities shall be completed as soon as possible and in any event no later than one year after the effective date of this section.

(g) Employee information and training. Except for small businesses, defined under (a) of this subsection, employee information and training required by WAC 296-62-07425(4) shall be provided as soon as possible and in any event no later than ninety days after the effective date of this standard. For small businesses, employee information and training required by WAC 296-62-07425(4) shall be provided as soon as possible and in any event no later than one hundred eighty days after the effective date of this standard.

(h) Medical surveillance. Except for small businesses, defined under (a) of this subsection, initial medical examinations required by WAC 296-62-07423 shall be provided as soon as possible and in any event no later than ninety days after the effective date of this standard. For small businesses, initial medical examinations required by WAC 296-62-07423 shall be provided as soon as possible and in any event

no later than one hundred eighty days after the effective date of this standard.

NEW SECTION

WAC 296-62-07433 Appendices. (1) WAC 296-62-07445, Appendix C is incorporated as part of this section, and compliance with its contents is mandatory.

(2) Except where portions of WAC 296-62-07441, appendix A; WAC 296-62-07443, appendix B; WAC 296-62-07447, appendix D; WAC 296-62-07449, appendix E; and WAC 296-62-07451, appendix F are expressly incorporated in requirements of WAC 296-62-07433, these appendices are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

NEW SECTION

WAC 296-62-07441 Appendix A, substance safety data sheet—Cadmium. (1) Substance identification.

(a) Substance: Cadmium.

(b) 8-Hour, time-weighted-average, permissible exposure limit (TWA PEL):

(c) TWA PEL: Five micrograms of cadmium per cubic meter of air $5 \mu\text{g}/\text{m}^3$, time-weighted average (TWA) for an 8-hour workday.

(d) Appearance: Cadmium metal—soft, blue-white, malleable, lustrous metal or grayish-white powder. Some cadmium compounds may also appear as a brown, yellow, or red powdery substance.

(2) Health hazard data.

(a) Routes of exposure. Cadmium can cause local skin or eye irritation. Cadmium can affect your health if you inhale it or if you swallow it.

(b) Effects of overexposure.

(i) Short-term (acute) exposure: Cadmium is much more dangerous by inhalation than by ingestion. High exposures to cadmium that may be immediately dangerous to life or health occur in jobs where workers handle large quantities of cadmium dust or fume; heat cadmium-containing compounds or cadmium-coated surfaces; weld with cadmium solders or cut cadmium-containing materials such as bolts.

(ii) Severe exposure may occur before symptoms appear. Early symptoms may include mild irritation of the upper respiratory tract, a sensation of constriction of the throat, a metallic taste and/or a cough. A period of one to ten hours may precede the onset of rapidly progressing shortness of breath, chest pain, and flu-like symptoms with weakness, fever, headache, chills, sweating, and muscular pain. Acute pulmonary edema usually develops within twenty-four hours and reaches a maximum by three days. If death from asphyxia does not occur, symptoms may resolve within a week.

(iii) Long-term (chronic) exposure. Repeated or long-term exposure to cadmium, even at relatively low concentrations, may result in kidney damage and an increased risk of cancer of the lung and of the prostate.

(c) Emergency first aid procedures.

(i) Eye exposure: Direct contact may cause redness or pain. Wash eyes immediately with large amounts of water,

lifting the upper and lower eyelids. Get medical attention immediately.

(ii) Skin exposure: Direct contact may result in irritation. Remove contaminated clothing and shoes immediately. Wash affected area with soap or mild detergent and large amounts of water. Get medical attention immediately.

(iii) Ingestion: Ingestion may result in vomiting, abdominal pain, nausea, diarrhea, headache, and sore throat. Treatment for symptoms must be administered by medical personnel. Under no circumstances should the employer allow any person whom he retains, employs, supervises, or controls to engage in therapeutic chelation. Such treatment is likely to translocate cadmium from pulmonary or other tissue to renal tissue. Get medical attention immediately.

(iv) Inhalation: If large amounts of cadmium are inhaled, the exposed person must be moved to fresh air at once. If breathing has stopped, perform cardiopulmonary resuscitation. Administer oxygen if available. Keep the affected person warm and at rest. Get medical attention immediately.

(v) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, attempt rescue only after notifying at least one other person of the emergency and putting into effect established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the emergency equipment before the need arises.

(3) Employee information.

(a) Protective clothing and equipment.

(i) Respirators: You may be required to wear a respirator for nonroutine activities; in emergencies; while your employer is in the process of reducing cadmium exposures through engineering controls; and where engineering controls are not feasible. If respirators are worn in the future, they must have a joint Mine Safety and Health Administration (MSHA) and National Institute for Occupational Safety and Health (NIOSH) label of approval. Cadmium does not have a detectable odor except at levels well above the permissible exposure limits. If you can smell cadmium while wearing a respirator, proceed immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

(ii) Protective clothing: You may be required to wear impermeable clothing, gloves, foot gear, a face shield, or other appropriate protective clothing to prevent skin contact with cadmium. Where protective clothing is required, your employer must provide clean garments to you as necessary to assure that the clothing protects you adequately. The employer must replace or repair protective clothing that has become torn or otherwise damaged.

(iii) Eye protection: You may be required to wear splash-proof or dust resistant goggles to prevent eye contact with cadmium.

(b) Employer requirements.

(i) Medical: If you are exposed to cadmium at or above the action level, your employer is required to provide a medical examination, laboratory tests and a medical history according to the medical surveillance provisions under WAC 296-62-07423. (See summary chart and tables in this section, appendix A.) These tests shall be provided without cost to you. In addition, if you are accidentally exposed to

cadmium under conditions known or suspected to constitute toxic exposure to cadmium, your employer is required to make special tests available to you.

(ii) Access to records: All medical records are kept strictly confidential. You or your representative are entitled to see the records of measurements of your exposure to cadmium. Your medical examination records can be furnished to your personal physician or designated representative upon request by you to your employer.

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

(c) Employee requirements. You will not be able to smoke, eat, drink, chew gum or tobacco, or apply cosmetics while working with cadmium in regulated areas. You will also not be able to carry or store tobacco products, gum, food, drinks, or cosmetics in regulated areas because these products easily become contaminated with cadmium from the workplace and can therefore create another source unnecessary of cadmium exposure. Some workers will have to change out of work clothes and shower at the end of the day, as part of their workday, in order to wash cadmium from skin and hair. Handwashing and cadmium-free eating facilities shall be provided by the employer and proper hygiene should always be performed before eating. It is also recommended that you do not smoke or use tobacco products, because among other things, they naturally contain cadmium. For further information, read the labeling on such products.

(4) Physician information.

(a) Introduction. The medical surveillance provisions of WAC 296-62-07423 generally are aimed at accomplishing three main interrelated purposes: First, identifying employees at higher risk of adverse health effects from excess, chronic exposure to cadmium; second, preventing cadmium-induced disease; and third, detecting and minimizing existing cadmium-induced disease. The core of medical surveillance in this standard is the early and periodic monitoring of the employee's biological indicators of:

- (i) Recent exposure to cadmium;
- (ii) Cadmium body burden; and

(iii) Potential and actual kidney damage associated with exposure to cadmium. The main adverse health effects associated with cadmium overexposure are lung cancer and kidney dysfunction. It is not yet known how to adequately biologically monitor human beings to specifically prevent cadmium-induced lung cancer. By contrast, the kidney can be monitored to provide prevention and early detection of cadmium-induced kidney damage. Since, for noncarcinogenic effects, the kidney is considered the primary target organ of chronic exposure to cadmium, the medical surveillance provisions of this standard effectively focus on cadmium-induced kidney disease. Within that focus, the aim, where possible, is to prevent the onset of such disease

and, where necessary, to minimize such disease as may already exist. The by-products of successful prevention of kidney disease are anticipated to be the reduction and prevention of other cadmium-induced diseases.

(b) Health effects. The major health effects associated with cadmium overexposure are described below.

(i) Kidney: The most prevalent nonmalignant disease observed among workers chronically exposed to cadmium is kidney dysfunction. Initially, such dysfunction is manifested as proteinuria. The proteinuria associated with cadmium exposure is most commonly characterized by excretion of low-molecular weight proteins (15,000 to 40,000 MW) accompanied by loss of electrolytes, uric acid, calcium, amino acids, and phosphate. The compounds commonly excreted include: beta-2-microglobulin (β_2 -M), retinol binding protein (RBP), immunoglobulin light chains, and lysozyme. Excretion of low molecular weight proteins are characteristic of damage to the proximal tubules of the kidney (Iwao et al., 1980). It has also been observed that exposure to cadmium may lead to urinary excretion of high-molecular weight proteins such as albumin, immunoglobulin G, and glycoproteins (Ex. 29). Excretion of high-molecular weight proteins is typically indicative of damage to the glomeruli of the kidney. Bernard et al., (1979) suggest that damage to the glomeruli and damage to the proximal tubules of the kidney may both be linked to cadmium exposure but they may occur independently of each other. Several studies indicate that the onset of low-molecular weight proteinuria is a sign of irreversible kidney damage (Friberg et al., 1974; Roels et al., 1982; Piscator 1984; Elinder et al., 1985; Smith et al., 1986). Above specific levels of β_2 -M associated with cadmium exposure it is unlikely that β_2 -M levels return to normal even when cadmium exposure is eliminated by removal of the individual from the cadmium work environment (Friberg, Ex. 29, 1990). Some studies indicate that such proteinuria may be progressive; levels of β_2 -M observed in the urine increase with time even after cadmium exposure has ceased. See, for example, Elinder et al., 1985. Such observations, however, are not universal, and it has been suggested that studies in which proteinuria has not been observed to progress may not have tracked patients for a sufficiently long time interval (Jarup, Ex. 8-661). When cadmium exposure continues after the onset of proteinuria, chronic nephrotoxicity may occur (Friberg, Ex. 29). Uremia results from the inability of the glomerulus to adequately filter blood. This leads to severe disturbance of electrolyte concentrations and may lead to various clinical complications including kidney stones (L-140-50). After prolonged exposure to cadmium, glomerular proteinuria, glucosuria, aminoaciduria, phosphaturia, and hypercalciuria may develop (Exs. 8-86, 4-28, 14-18). Phosphate, calcium, glucose, and amino acids are essential to life, and under normal conditions, their excretion should be regulated by the kidney. Once low molecular weight proteinuria has developed, these elements dissipate from the human body. Loss of glomerular function may also occur, manifested by decreased glomerular filtration rate and increased serum creatinine. Severe cadmium-induced renal damage may eventually develop into chronic renal failure and uremia (Ex. 55). Studies in which animals are chronically exposed to cadmium confirm the renal effects observed in humans (Friberg et al., 1986). Animal studies also confirm problems

with calcium metabolism and related skeletal effects which have been observed among humans exposed to cadmium in addition to the renal effects. Other effects commonly reported in chronic animal studies include anemia, changes in liver morphology, immunosuppression and hypertension. Some of these effects may be associated with co-factors. Hypertension, for example, appears to be associated with diet as well as cadmium exposure. Animals injected with cadmium have also shown testicular necrosis (Ex. 8- 86B).

(ii) Biological markers. It is universally recognized that the best measures of cadmium exposures and its effects are measurements of cadmium in biological fluids, especially urine and blood. Of the two, CdU is conventionally used to determine body burden of cadmium in workers without kidney disease. CdB is conventionally used to monitor for recent exposure to cadmium. In addition, levels of CdU and CdB historically have been used to predict the percent of the population likely to develop kidney disease (Thun et al., Ex. L-140-50; WHO, Ex. 8-674; ACGIH, Exs. 8-667, 140-50).

The third biological parameter upon which WISHA relies for medical surveillance is beta-2-microglobulin in urine (β_2 -M), a low molecular weight protein. Excess β_2 -M has been widely accepted by physicians and scientists as a reliable indicator of functional damage to the proximal tubule of the kidney (Exs. 8-447, 144-3-C, 4-47, L-140-45, 19-43-A). Excess β_2 -M is found when the proximal tubules can no longer reabsorb this protein in a normal manner. This failure of the proximal tubules is an early stage of a kind of kidney disease that commonly occurs among workers with excessive cadmium exposure. Used in conjunction with biological test results indicating abnormal levels of CdU and CdB, the finding of excess β_2 -M can establish for an examining physician that any existing kidney disease is probably cadmium-related (Trs. 6/6/90, pp. 82-86, 122, 134). The upper limits of normal levels for cadmium in urine and cadmium in blood are 3 $\mu\text{g Cd/gram creatinine}$ in urine and 5 $\mu\text{gCd/liter whole blood}$, respectively. These levels were derived from broad-based population studies. Three issues confront the physicians in the use of β_2 -M as a marker of kidney dysfunction and material impairment. First, there are a few other causes of elevated levels of β_2 -M not related to cadmium exposures, some of which may be rather common diseases and some of which are serious diseases (e.g., myeloma or transient flu, Exs. 29 and 8-086). These can be medically evaluated as alternative causes (Friberg, Ex. 29). Also, there are other factors that can cause β_2 -M to degrade so that low levels would result in workers with tubular dysfunction. For example, regarding the degradation of β_2 -M, workers with acidic urine ($\text{pH}<6$) might have β_2 -M levels that are within the "normal" range when in fact kidney dysfunction has occurred (Ex. L-140-1) and the low molecular weight proteins are degraded in acid urine. Thus, it is very important that the pH of urine be measured, that urine samples be buffered as necessary (See WAC 296-62-07451, appendix F.), and that urine samples be handled correctly, i.e., measure the pH of freshly voided urine samples, then if necessary, buffer to $\text{pH}>6$ (or above for shipping purposes), measure pH again and then, perhaps, freeze the sample for storage and shipping. (See also WAC 296-62-07451, appendix F.) Second, there is debate over the pathological significance of proteinuria, however, most world experts believe that β_2 -M levels greater than 300 $\mu\text{g/g Cr}$ are abnormal

(Elinder, Ex. 55, Friberg, Ex. 29). Such levels signify kidney dysfunction that constitutes material impairment of health. Finally, detection of β_2 -M at low levels has often been considered difficult, however, many laboratories have the capability of detecting excess β_2 -M using simple kits, such as the Phadebas Delphia test, that are accurate to levels of 100 $\mu\text{g } \beta_2\text{-M/g Cr U}$ (Ex. L-140-1). Specific recommendations for ways to measure β_2 -M and proper handling of urine samples to prevent degradation of β_2 -M have been addressed by WISHA in WAC 296-62-07451, appendix F, in the section on laboratory standardization. All biological samples must be analyzed in a laboratory that is proficient in the analysis of that particular analyte, under WAC 296-62-07423 (1)(d). (See WAC 296-62-07451, appendix F). Specifically, under WAC 296-62-07423 (1)(d), the employer is to assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is collected in a manner that assures reliability. The employer must also assure that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (β_2 -M) taken from employees is performed in laboratories with demonstrated proficiency for that particular analyte. (See WAC 296-62-07451, appendix F).

(iii) Lung and prostate cancer. The primary sites for cadmium-associated cancer appear to be the lung and the prostate (L-140-50). Evidence for an association between cancer and cadmium exposure derives from both epidemiological studies and animal experiments. Mortality from prostate cancer associated with cadmium is slightly elevated in several industrial cohorts, but the number of cases is small and there is not clear dose-response relationship. More substantive evidence exists for lung cancer. The major epidemiological study of lung cancer was conducted by Thun et al., (Ex. 4-68). Adequate data on cadmium exposures were available to allow evaluation of dose-response relationships between cadmium exposure and lung cancer. A statistically significant excess of lung cancer attributed to cadmium exposure was observed in this study even when confounding variables such as co-exposure to arsenic and smoking habits were taken into consideration (Ex. L-140-50).

The primary evidence for quantifying a link between lung cancer and cadmium exposure from animal studies derives from two rat bioassay studies; one by Takenaka et al., (1983), which is a study of cadmium chloride and a second study by Oldiges and Glaser (1990) of four cadmium compounds. Based on the above cited studies, the U.S. Environmental Protection Agency (EPA) classified cadmium as "B1", a probable human carcinogen, in 1985 (Ex. 4-4). The International Agency for Research on Cancer (IARC) in 1987 also recommended that cadmium be listed as "2A", a probable human carcinogen (Ex. 4-15). The American Conference of Governmental Industrial Hygienists (ACGIH) has recently recommended that cadmium be labeled as a carcinogen. Since 1984, NIOSH has concluded that cadmium is possibly a human carcinogen and has recommended that exposures be controlled to the lowest level feasible.

(iv) Noncarcinogenic effects. Acute pneumonitis occurs 10 to 24 hours after initial acute inhalation of high levels of cadmium fumes with symptoms such as fever and chest pain (Exs. 30, 8-86B). In extreme exposure cases pulmonary

edema may develop and cause death several days after exposure. Little actual exposure measurement data is available on the level of airborne cadmium exposure that causes such immediate adverse lung effects, nonetheless, it is reasonable to believe a cadmium concentration of approximately 1 mg/m³ over an eight hour period is "immediately dangerous" (55 FR 4052, ANSI; Ex. 8-86B). In addition to acute lung effects and chronic renal effects, long term exposure to cadmium may cause other severe effects on the respiratory system. Reduced pulmonary function and chronic lung disease indicative of emphysema have been observed in workers who have had prolonged exposure to cadmium dust or fumes (Exs. 4-29, 4-22, 4-42, 4-50, 4-63). In a study of workers conducted by Kazantzis et al., a statistically significant excess of worker deaths due to chronic bronchitis was found, which in his opinion was directly related to high cadmium exposures of 1 mg/m³ or more (Tr. 6/8/90, pp. 156-157). Cadmium need not be respirable to constitute a hazard. Inspirable cadmium particles that are too large to be respirable but small enough to enter the tracheobronchial region of the lung can lead to bronchoconstriction, chronic pulmonary disease, and cancer of that portion of the lung. All of these diseases have been associated with occupational exposure to cadmium (Ex. 8-86B). Particles that are constrained by their size to the extra-thoracic regions of the respiratory system such as the nose and maxillary sinuses can be swallowed through mucociliary clearance and be absorbed into the body (ACGIH, Ex. 8-692). The impaction of these particles in the upper airways can lead to anosmia, or loss of sense of smell, which is an early indication of overexposure among workers exposed to heavy metals. This condition is commonly reported among cadmium-exposed workers (Ex. 8-86-B).

(c) Medical surveillance. In general, the main provisions of the medical surveillance section of the standard, under WAC 296-62-07423 (1) through (16), are as follows:

- (i) Workers exposed above the action level are covered;
- (ii) Workers with intermittent exposures are not covered;
- (iii) Past workers who are covered receive biological monitoring for at least one year;
- (iv) Initial examinations include a medical questionnaire and biological monitoring of cadmium in blood (CdB), cadmium in urine (CdU), and Beta-2-microglobulin in urine (β_2 -M);
- (v) Biological monitoring of these three analytes is performed at least annually; full medical examinations are performed biennially;
- (vi) Until five years from the effective date of the standard, medical removal is required when CdU is greater than 15 μ g/gram creatinine (g Cr), or CdB is greater than 15 μ g/liter whole blood (lwb), or β_2 -M is greater than 1500 μ g/g Cr, and CdB is greater than 5 μ g/lwb or CdU is greater than 3 μ g/g Cr;
- (vii) Beginning five years after the standard is in effect, medical removal triggers will be reduced;
- (viii) Medical removal protection benefits are to be provided for up to eighteen months;
- (ix) Limited initial medical examinations are required for respirator usage;
- (x) Major provisions are fully described under WAC 296-62-07423; they are outlined here as follows:
 - (A) Eligibility.

- (B) Biological monitoring.
- (C) Actions triggered by levels of CdU, CdB, and β_2 -M (See Summary Charts and Tables in WAC 296-62-07441(5).)
- (D) Periodic medical surveillance.
- (E) Actions triggered by periodic medical surveillance (See appendix A Summary Chart and Tables in WAC 296-62-07441(5).)
- (F) Respirator usage.
- (G) Emergency medical examinations.
- (H) Termination examination.
- (I) Information to physician.
- (J) Physician's medical opinion.
- (K) Medical removal protection.
- (L) Medical removal protection benefits.
- (M) Multiple physician review.
- (N) Alternate physician review.
- (O) Information employer gives to employee.
- (P) Recordkeeping.
- (Q) Reporting on OSHA form 200.
- (xi) The above mentioned summary of the medical surveillance provisions, the summary chart, and tables for the actions triggered at different levels of CdU, CdB and β_2 -M (in subsection (5) of this section, Attachment 1) are included only for the purpose of facilitating understanding of the provisions of WAC 296-62-07423(3) of the final cadmium standard. The summary of the provisions, the summary chart, and the tables do not add to or reduce the requirements in WAC 296-62-07423(3).

(d) Recommendations to physicians.

(i) It is strongly recommended that patients with tubular proteinuria are counseled on: The hazards of smoking; avoidance of nephrotoxins and certain prescriptions and over-the-counter medications that may exacerbate kidney symptoms; how to control diabetes and/or blood pressure; proper hydration, diet, and exercise (Ex. 19-2). A list of prominent or common nephrotoxins is attached. (See subsection (6) of this section, Attachment 2.)

(ii) DO NOT CHELATE; KNOW WHICH DRUGS ARE NEPHROTOXINS OR ARE ASSOCIATED WITH NEPHRITIS.

(iii) The gravity of cadmium-induced renal damage is compounded by the fact there is no medical treatment to prevent or reduce the accumulation of cadmium in the kidney (Ex. 8-619). Dr. Friberg, a leading world expert on cadmium toxicity, indicated in 1992, that there is no form of chelating agent that could be used without substantial risk. He stated that tubular proteinuria has to be treated in the same way as other kidney disorders (Ex. 29).

(iv) After the results of a workers' biological monitoring or medical examination are received the employer is required to provide an information sheet to the patient, briefly explaining the significance of the results. (See subsection (7) of this section.)

(v) For additional information the physician is referred to the following additional resources:

(A) The physician can always obtain a copy of the OSHA final rule preamble, with its full discussion of the health effects, from OSHA's Computerized Information System (OCIS).

(B) The OSHA Docket Officer maintains a record of the OSHA rulemaking. The Cadmium Docket (H-057A), is located at 200 Constitution Ave. NW., Room N-2625, Washington, DC 20210; telephone: 202-523-7894.

(C) The following articles and exhibits in particular from that docket (H- 057A):

Exhibit number	Author and paper title
8-447	Lauwerys et. al., Guide for physicians, "Health Maintenance of Workers Exposed to Cadmium," published by the Cadmium Council.
4-67	Takenaka, S., H. Oldiges, H. Konig, D. Hochrainer, G. Oberdorster. "Carcinogenicity of Cadmium Chloride Aerosols in Wistar Rats". JNCI 70:367-373, 1983. (32)
4-68	Thun, M.J., T.M. Schnoor, A.B. Smith, W.E. Halperin, R.A. Lemen. "Mortality Among a Cohort of U.S. Cadmium Production Workers—An Update." JNCI 74(2):325-33, 1985. (8)
4-25	Elinder, C.G., Kjellstrom, T., Hogstedt, C., et al., "Cancer Mortality of Cadmium Workers." Brit. J. Ind. Med. 42:651-655, 1985. (14)
4-26	Ellis, K.J. et al., "Critical Concentrations of Cadmium in Human Renal Cortex: Dose Effect Studies to Cadmium Smelter Workers." J. Toxicol. Environ. Health 7:691-703, 1981. (76)
4-27	Ellis, K.J., S.H. Cohn and T.J. Smith. "Cadmium Inhalation Exposure Estimates: Their Significance with Respect to Kidney and Liver Cadmium Burden." J. Toxicol. Environ. Health 15:173-187, 1985.
4-28	Falck, F.Y., Jr., Fine, L.J., Smith, R.G., McClatchey, K.D., Annesley, T., England, B., and Schork, A.M. "Occupational Cadmium Exposure and Renal Status." Am. J. Ind. Med. 4:541, 1983. (64)
8-86A	Friberg, L., C.G. Elinder, et al., "Cadmium and Health a Toxicological and Epidemiological Appraisal, Volume I, Exposure, Dose, and Metabolism." CRC Press, Inc., Boca Raton, FL, 1986. (Available from the OSHA Technical Data Center)
8-86B	Friberg, L., C.G. Elinder, et al., "Cadmium and Health: A Toxicological and Epidemiological Appraisal, Volume II, Effects and Response." CRC Press, Inc., Boca Raton, FL, 1986. (Available from the OSHA Technical Data Center)
L-140-45	Elinder, C.G., "Cancer Mortality of Cadmium Workers", Brit. J. Ind. Med., 42, 651-655, 1985.
L-140-50	Thun, M., Elinder, C.G., Friberg, L., "Scientific Basis for an Occupational Standard for Cadmium, Am. J. Ind. Med., 20; 629-642, 1991.

(5) Information sheet. The information sheet (subsection (8) of this section, Attachment 3) or an equally explanatory one should be provided to you after any biological monitoring results are reviewed by the physician, or where applicable, after any medical examination.

(6) Attachment 1—Appendix A, summary chart and Tables A and B of actions triggered by biological monitoring.

(a) Summary chart: WAC 296-62-07423(3) Medical surveillance—Categorizing biological monitoring results.

(i) Biological monitoring results categories are set forth in Table A for the periods ending December 31, 1998, and for the period beginning January 1, 1999.

(ii) The results of the biological monitoring for the initial medical exam and the subsequent exams shall determine an employee's biological monitoring result category.

(b) Actions triggered by biological monitoring.

(i) The actions triggered by biological monitoring for an employee are set forth in Table B.

(ii) The biological monitoring results for each employee under WAC 296-62-07423(3) shall determine the actions required for that employee. That is, for any employee in biological monitoring category C, the employer will perform all of the actions for which there is an X in column C of Table B.

(iii) An employee is assigned the alphabetical category ("A" being the lowest) depending upon the test results of the three biological markers.

(iv) An employee is assigned category A if monitoring results for all three biological markers fall at or below the levels indicated in the table listed for category A.

(v) An employee is assigned category B if any monitoring result for any of the three biological markers fall within the range of levels indicated in the table listed for category B, providing no result exceeds the levels listed for category B.

(vi) An employee is assigned category C if any monitoring result for any of the three biological markers are above the levels listed for category C.

(c) The user of Tables A and B should know that these tables are provided only to facilitate understanding of the relevant provisions of WAC 296-62-07423. Tables A and B are not meant to add to or subtract from the requirements of those provisions.

Table A
Categorization of Biological Monitoring Results
Applicable Through 1998 Only

Biological marker	Monitoring result categories		
	A	B	C
Cadmium in urine (CdU) (µg/g creatinine)	≤3	>3 and ≤15	>15
β ₂ -microglobulin (β ₂ -M) (µg/g creatinine)	≤300	>300 and ≤1500	>1500*
Cadmium in blood (CdB) (µg/liter whole blood)	≤5	>5 and ≤15	>15

* If an employee's β₂-M levels are above 1,500 µg/g creatinine, in order for mandatory medical removal to be required (See WAC 296-62-07441, Appendix A Table B.), either the employee's CdU level must also be >3 µg/g creatinine or CdB level must also be >5 µg/liter whole blood.

PERMANENT

Applicable Beginning January 1, 1999

Biological marker	Monitoring result categories		
	A	B	C
Cadmium in urine (CdU) (µg/g creatinine)	≤3	>3 and ≤7	>7
β ₂ -microglobulin (β ₂ -M) (µg/g creatinine)	≤300	>300 and ≤750	>750*
Cadmium in blood (CdB) (µg/liter whole blood)	≤5	>5 and ≤10	>10

* If an employee's β₂-M levels are above 750 µg/g creatinine, in order for mandatory medical removal to be required (See WAC 296-62-07441, Appendix A Table B.), either the employee's CdU level must also be >3 µg/g creatinine or CdB level must also be >5 µg/liter whole blood.

Table B—Actions determined by biological monitoring.

This table presents the actions required based on the monitoring result in Table A. Each item is a separate requirement in citing noncompliance. For example, a medical examination within ninety days for an employee in category B is separate from the requirement to administer a periodic medical examination for category B employees on an annual basis.

Table B
Monitoring
result category

Required actions	A ¹	B ¹	C ¹
(1) Biological monitoring:			
(a) Annual.	X		
(b) Semiannual		X	
(c) Quarterly			X
(2) Medical examination:			
(a) Biennial	X		
(b) Annual.		X	
(c) Semiannual.			X
(d) Within 90 days		X	X
(3) Assess within two weeks:			
(a) Excess cadmium exposure		X	X
(b) Work practices		X	X
(c) Personal hygiene		X	X
(d) Respirator usage		X	X
(e) Smoking history		X	X
(f) Hygiene facilities		X	X
(g) Engineering controls		X	X
(h) Correct within 30 days		X	X
(i) Periodically assess exposures			X
(4) Discretionary medical removal		X	X
(5) Mandatory medical removal			X ²

¹ For all employees covered by medical surveillance exclusively because of exposures prior to the effective date of this standard, if they are in Category A, the employer shall follow the requirements of WAC 296-62-07423 (3)(a)(ii) and (4)(e)(i). If they are in Category B or C, the employer shall follow the requirements of WAC 296-62-07423 (4)(e)(ii) and (iii).

² See footnote in Table A.

(7) Attachment 2, list of medications.

(a) A list of the more common medications that a physician, and the employee, may wish to review is likely to include some of the following:

- (i) Anticonvulsants: Paramethadione, phenytoin, trimethadone;
- (ii) Antihypertensive drugs: Captopril, methyldopa;
- (iii) Antimicrobials: Aminoglycosides, amphotericin B, cephalosporins, ethambutol;
- (iv) Antineoplastic agents: Cisplatin, methotrexate, mitomycin-C, nitrosoureas, radiation;
- (v) Sulfonamide diuretics: Acetazolamide, chlorthalidone, furosemide, thiazides;
- (vi) Halogenated alkanes, hydrocarbons, and solvents that may occur in some settings: Carbon tetrachloride, ethylene glycol, toluene; iodinated radiographic contrast media; nonsteroidal anti-inflammatory drugs; and
- (vii) Other miscellaneous compounds: Allopurinol, amphetamines, azathioprine, cimetidine, cyclosporine, lithium, methoxyflurane, methysergide, D-penicillamine, phenacetin, phenendione.

(b) A list of drugs associated with acute interstitial nephritis includes:

- (i) Antimicrobial drugs: Cephalosporins, chloramphenicol, colistin, erythromycin, ethambutol, isoniazid, para-aminosalicylic acid, penicillins, polymyxin B, rifampin, sulfonamides, tetracyclines, and vancomycin;
- (ii) Other miscellaneous drugs: Allopurinol, antipyrine, azathioprine, captopril, cimetidine, clofibrate, methyldopa, phenindione, phenylpropanolamine, phenytoin, probenecid, sulfipyrazone, sulfonamide diuretics, triamterene; and
- (iii) Metals: Bismuth, gold. This list have been derived from commonly available medical textbooks (e.g., Ex. 14-18). The list has been included merely to facilitate the physician's, employer's, and employee's understanding. The list does not represent an official OSHA opinion or policy regarding the use of these medications for particular employees. The use of such medications should be under physician discretion.

(8) Attachment 3—Biological monitoring and medical examination results.

Employee _____
Testing _____
Date _____

Cadmium in Urine ___ µg/g Cr—Normal Levels:
≤3 µg/g Cr.

Cadmium in Blood ___ µg/lwb—Normal Levels:
≤5 µg/lwb.

Beta-2-microglobulin in Urine ___ µg/g Cr—Normal
Levels: ≤300 µg/g Cr.

Physical Examination Results: N/A ___ Satisfactory

___ Unsatisfactory ___ (see physician again).

Physician's Review of Pulmonary Function Test:

N/A ___ Normal ___

Abnormal ___.

Next biological monitoring or medical examination
scheduled for _____

(a) The biological monitoring program has been designed for three main purposes:

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- (i) To identify employees at risk of adverse health effects from excess, chronic exposure to cadmium;
- (ii) To prevent cadmium-induced disease(s); and
- (iii) To detect and minimize existing cadmium-induced disease(s).

(b) The levels of cadmium in the urine and blood provide an estimate of the total amount of cadmium in the body. The amount of a specific protein in the urine (beta-2-microglobulin) indicates changes in kidney function. All three tests must be evaluated together. A single mildly elevated result may not be important if testing at a later time indicates that the results are normal and the workplace has been evaluated to decrease possible sources of cadmium exposure. The levels of cadmium or beta-2-microglobulin may change over a period of days to months and the time needed for those changes to occur is different for each worker.

(c) If the results for biological monitoring are above specific "high levels" (cadmium urine greater than 10 micrograms per gram of creatinine $\mu\text{g Cr}$), cadmium blood greater than 10 micrograms per liter of whole blood ($\mu\text{g/lwb}$), or beta-2-microglobulin greater than 1000 micrograms per gram of creatinine ($\mu\text{g Cr}$), the worker has a much greater chance of developing other kidney diseases.

(d) One way to measure for kidney function is by measuring beta-2-microglobulin in the urine. Beta-2-microglobulin is a protein which is normally found in the blood as it is being filtered in the kidney, and the kidney reabsorbs or returns almost all of the beta-2-microglobulin to the blood. A very small amount (less than 300 $\mu\text{g/g Cr}$ in the urine) of beta-2-microglobulin is not reabsorbed into the blood, but is released in the urine. If cadmium damages the kidney, the amount of beta-2-microglobulin in the urine increases because the kidney cells are unable to reabsorb the beta-2-microglobulin normally. An increase in the amount of beta-2-microglobulin in the urine is a very early sign of kidney dysfunction. A small increase in beta-2-microglobulin in the urine will serve as an early warning sign that the worker may be absorbing cadmium from the air, cigarettes contaminated in the workplace, or eating in areas that are cadmium contaminated.

(e) Even if cadmium causes permanent changes in the kidney's ability to reabsorb beta-2-microglobulin, and the beta-2-microglobulin is above the "high levels," the loss of kidney function may not lead to any serious health problems. Also, renal function naturally declines as people age. The risk for changes in kidney function for workers who have biological monitoring results between the "normal values" and the "high levels" is not well known. Some people are more cadmium-tolerant, while others are more cadmium-susceptible.

(f) For anyone with even a slight increase of beta-2-microglobulin, cadmium in the urine, or cadmium in the blood, it is very important to protect the kidney from further damage. Kidney damage can come from other sources than excess cadmium-exposure so it is also recommended that if a worker's levels are "high" he/she should receive counseling about drinking more water; avoiding cadmium-tainted tobacco and certain medications (nephrotoxins, acetaminophen); controlling diet, vitamin intake, blood pressure and diabetes; etc.

NEW SECTION

WAC 296-62-07443 Appendix B—Substance technical guidelines for cadmium. (1) Cadmium metal.

(a) Physical and chemical data.

(i) Substance identification.

Chemical name: Cadmium.

Formula: Cd.

Molecular Weight: 112.4.

Chemical Abstracts Service (CAS) Registry No.: 7740-43-9.

Other Identifiers: RETCS EU9800000; EPA D006; DOT 2570 53.

Synonyms: Colloidal Cadmium: Kadmium (German): CI 77180.

(ii) Physical data.

Boiling point: (760 mm Hg): 765 degrees C.

Melting point: 321 degrees C.

Specific Gravity: ($\text{H}_2\text{O}=@ 20^\circ\text{C}$): 8.64.

Solubility: Insoluble in water; soluble in dilute nitric acid and in sulfuric acid.

Appearance: Soft, blue-white, malleable, lustrous metal or grayish-white powder.

(b) Fire, explosion, and reactivity data.

(i) Fire.

Fire and explosion hazards: The finely divided metal is pyrophoric, that is the dust is a severe fire hazard and moderate explosion hazard when exposed to heat or flame. Burning material reacts violently with extinguishing agents such as water, foam, carbon dioxide, and halons.

Flash point: Flammable (dust).

Extinguishing media: Dry sand, dry dolomite, dry graphite, or sodium chloride.

(ii) Reactivity.

Conditions contributing to instability: Stable when kept in sealed containers under normal temperatures and pressure, but dust may ignite upon contact with air. Metal tarnishes in moist air.

(iii) Incompatibilities: Ammonium nitrate, fused: Reacts violently or explosively with cadmium dust below 20°C . Hydrozoic acid: Violent explosion occurs after thirty minutes. Acids: Reacts violently, forms hydrogen gas. Oxidizing agents or metals: Strong reaction with cadmium dust. Nitryl fluoride at slightly elevated temperature: Glowing or white incandescence occurs. Selenium: Reacts exothermically. Ammonia: Corrosive reaction. Sulfur dioxide: Corrosive reaction. Fire extinguishing agents (water, foam, carbon dioxide, and halons): Reacts violently. Tellurium: Incandescent reaction in hydrogen atmosphere.

(iv) Hazardous decomposition products: The heated metal rapidly forms highly toxic, brownish fumes of oxides of cadmium.

(c) Spill, leak, and disposal procedures.

(i) Steps to be taken if the materials is released or spilled. Do not touch spilled material. Stop leak if you can do it without risk. Do not get water inside container. For large spills, dike spill for later disposal. Keep unnecessary people away. Isolate hazard area and deny entry.

(ii) The Superfund Amendments and Reauthorization Act of 1986 Section 304 requires that a release equal to or greater than the reportable quantity for this substance (one pound) must be immediately reported to the local emergency

planning committee, the state emergency response commission, and the National Response Center (800) 424-8802; in Washington, DC metropolitan area (202) 426-2675.

(2) Cadmium oxide.

(a) Physical and chemical data.

(i) Substance identification.

Chemical name: Cadmium oxide.

Formula: CdO.

Molecular Weight: 128.4.

CAS No.: 1306-19-0.

Other Identifiers: RTECS EV1929500.

Synonyms: Kadmu tlenek (Polish).

(ii) Physical data.

Boiling point (760 mm Hg): 950 degrees C decomposes.

Melting point: 1500°C.

Specific Gravity: (H₂O=1 @ 20°C): 7.0.

Solubility: Insoluble in water; soluble in acids and alkalines.

Appearance: Red or brown crystals.

(b) Fire, explosion, and reactivity data.

(i) Fire.

Fire and explosion hazards: Negligible fire hazard when exposed to heat or flame.

Flash point: Nonflammable.

Extinguishing media: Dry chemical, carbon dioxide, water spray or foam.

(ii) Reactivity.

Conditions contributing to instability: Stable under normal temperatures and pressures.

(iii) Incompatibilities: Magnesium may reduce CdO₂ explosively on heating.

(iv) Hazardous decomposition products: Toxic fumes of cadmium.

(c) Spill, leak, and disposal procedures.

(i) Steps to be taken if the material is released or spilled. Do not touch spilled material. Stop leak if you can do it without risk. For small spills, take up with sand or other absorbent material and place into containers for later disposal. For small dry spills, use a clean shovel to place material into clean, dry container and then cover. Move containers from spill area. For larger spills, dike far ahead of spill for later disposal. Keep unnecessary people away. Isolate hazard area and deny entry.

(ii) The Superfund Amendments and Reauthorization Act of 1986 Section 304 requires that a release equal to or greater than the reportable quantity for this substance (one pound) must be immediately reported to the local emergency planning committee, the state emergency response commission, and the National Response Center (800) 424-8802; in Washington, DC metropolitan area (202) 426-2675.

(3) Cadmium sulfide.

(a) Physical and chemical data.

(i) Substance identification.

Chemical name: Cadmium sulfide.

Formula: CdS.

Molecular weight: 144.5.

CAS No. 1306-23-6.

Other identifiers: RTECS EV3150000.

Synonyms: Aurora yellow; Cadmium Golden 366; Cadmium Lemon Yellow 527; Cadmium Orange; Cadmium Primrose 819; Cadmium Sulphide; Cadmium Yellow;

Cadmium Yellow 000; Cadmium Yellow Conc. Deep; Cadmium Yellow Conc. Golden; Cadmium Yellow Conc. Lemon; Cadmium Yellow Conc. Primrose; Cadmium Yellow Oz. Dark; Cadmium Yellow Primrose 47-1400; Cadmium Yellow 10G Conc.; Cadmium Yellow 892; Cadmopur Golden Yellow N; Cadmopur Yellow: Capsebon; C.I. 77199; C.I. Pigment Orange 20; CI Pigment Yellow 37; Ferro Lemon Yellow; Ferro Orange Yellow; Ferro Yellow; Greenockite; NCI-C02711.

(ii) Physical data.

Boiling point (760 mm. Hg): sublimes in N₂ at 980°C.

Melting point: 1750 degrees C (100 atm).

Specific Gravity: (H₂O=1 @ 20°C): 4.82.

Solubility: Slightly soluble in water; soluble in acid.

Appearance: Light yellow or yellow-orange crystals.

(b) Fire, explosion, and reactivity data.

(i) Fire.

Fire and explosion hazards: Negligible fire hazard when exposed to heat or flame.

Flash point: Nonflammable.

Extinguishing media: Dry chemical, carbon dioxide, water spray or foam.

(ii) Reactivity. Conditions contributing to instability: Generally nonreactive under normal conditions. Reacts with acids to form toxic hydrogen sulfide gas.

(iii) Incompatibilities: Reacts vigorously with iodine monochloride.

(iv) Hazardous decomposition products: Toxic fumes of cadmium and sulfur oxides.

(c) Spill, leak, and disposal procedures.

(i) Steps to be taken if the material is released or spilled. Do not touch spilled material. Stop leak if you can do it without risk. For small, dry spills, with a clean shovel place material into clean, dry container and cover. Move containers from spill area.

(ii) For larger spills, dike far ahead of spill for later disposal. Keep unnecessary people away. Isolate hazard and deny entry.

(4) Cadmium chloride.

(a) Physical and chemical data.

(i) Substance identification.

Chemical name: Cadmium chloride.

Formula: CdCl₂.

Molecular weight: 183.3.

CAS No. 10108-64-2.

Other Identifiers: RTECS EY0175000.

Synonyms: Caddy; Cadmium dichloride; NA 2570 (DOT); UI-CAD; dichlorocadmium.

(ii) Physical data.

Boiling point (760 mm Hg): 960 degrees C.

Melting point: 568 degrees C.

Specific gravity: (H₂O=1 @ 20°C): 4.05.

Solubility: Soluble in water (140 g/100 cc); soluble in acetone.

Appearance: Small, white crystals.

(b) Fire, explosion, and reactivity data.

(i) Fire.

Fire and explosion hazards: Negligible fire and negligible explosion hazard in dust form when exposed to heat or flame.

Flash point: Nonflammable.

Extinguishing media: Dry chemical, carbon dioxide, water spray, or foam.

(ii) Reactivity. Conditions contributing to instability: Generally stable under normal temperatures and pressures.

(iii) Incompatibilities: Bromine trifluoride rapidly attacks cadmium chloride. A mixture of potassium and cadmium chloride may produce a strong explosion on impact.

(iv) Hazardous decomposition products: Thermal decomposition may release toxic fumes of hydrogen chloride, chloride, chlorine or oxides of cadmium.

(c) Spill, leak, and disposal procedures.

(i) Steps to be taken if the materials is released or spilled. Do not touch spilled material. Stop leak if you can do it without risk. For small, dry spills, with a clean shovel place material into clean, dry container and cover. Move containers from spill area. For larger spills, dike far ahead of spill for later disposal. Keep unnecessary people away. Isolate hazard and deny entry.

(ii) The Superfund Amendments and Reauthorization Act of 1986 Section 304 requires that a release equal to or greater than the reportable quantity for this substance (one hundred pounds) must be immediately reported to the local emergency planning committee, the state emergency response commission, and the National Response Center (800) 424-8802; in Washington, DC Metropolitan area (202) 426-2675.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 296-62-07445 Appendix C—Qualitative and quantitative fit testing procedures—(fit test protocols).

(1) General: The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT). All testing is to be conducted annually.

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

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use; it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted, maintained and used properly, will provide substantial protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(i) Position of the mask on the nose;

(ii) Room for eye protection;

(iii) Room to talk; and

(iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

(i) Chin properly placed;

(ii) Adequate strap tension, not overly tightened;

(iii) Fit across nose bridge;

(iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip; and

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s). Inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine, in accordance with WAC 296-62-07423 (2) and (3), whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall maintain a record of the fit test administered to an employee. The record shall contain at least the following information:

- (i) Name of employee;
- (ii) Type of respirator;
- (iii) Brand, size of respirator;
- (iv) Date of test; and

(v) Where QNFT is used, the fit factor and strip chart recording or other recording of the results of the test. The record shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, without talking, the subject shall breathe slowly and deeply, taking care so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise one. Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds. The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

- (2) Qualitative fit test (QLFT) protocols.
 - (a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall assure that persons administering QLFTs are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate within the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated and shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five-gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; and to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the respirator fit is inadequate. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the respirator fit was inadequate, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a

low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) Quantitative fit test. The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) Challenge agent means the aerosol, gas or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) Test subject means the person wearing the respirator for quantitative fit testing.

(iv) Normal standing position means standing erect and straight with arms down along the sides and looking straight ahead.

(v) Maximum peak penetration method means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) Average peak penetration method means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the

respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ration of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit

factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-07447 Appendix D—Occupational health history interview with reference to cadmium exposure directions.

(To be read by employee and signed prior to the interview.)

Please answer the questions you will be asked as completely and carefully as you can. These questions are asked of everyone who works with cadmium. You will also be asked to give blood and urine samples. The doctor will give your employer a written opinion on whether you are physically capable of working with cadmium. Legally, the doctor cannot share personal information you may tell him/her with your employer. The following information is considered strictly confidential. The results of the tests will go to you, your doctor and your employer. You will also receive an information sheet explaining the results of any biological monitoring or physical examinations performed. If you are just being hired, the results of this interview and examination will be used to:

- (1) Establish your health status and see if working with cadmium might be expected to cause unusual problems;
(2) Determine your health status today and see if there are changes over time;
(3) See if you can wear a respirator safely. If you are not a new hire: OSHA says that everyone who works with cadmium can have periodic medical examinations performed by a doctor. The reasons for this are:
(a) If there are changes in your health, either because of cadmium or some other reason, to find them early;
(b) To prevent kidney damage.

Please sign below.

I have read these directions and understand them:

Employee signature

Date

Thank you for answering these questions. (Suggested Format)

Name
Age
Social Security #
Company
Job
Type of Preplacement Exam: [] Periodic [] Termination [] Initial [] Other
Blood Pressure
Pulse Rate

- 1. How long have you worked at the job listed above?
[] Not yet hired [] Number of months [] Number of years
2. Job Duties etc.
3. Have you ever been told by a doctor that you had bronchitis? [] Yes [] No
If yes, how long ago? [] Number of months [] Number of years
4. Have you ever been told by a doctor that you had emphysema?
[] Yes [] No

- If yes, how long ago? [] Number of years [] Number of months
5. Have you ever been told by a doctor that you had other lung problems? [] Yes [] No
If yes, please describe type of lung problems and when you had these problems

- 6. In the past year, have you had a cough? [] Yes [] No
If yes, did you cough up sputum? [] Yes [] No
If yes, how long did the cough with sputum production last?
[] Less than 3 months [] 3 months or longer
If yes, for how many years have you had episodes of cough with sputum production lasting this long?
[] Less than one [] 1 [] 2 [] Longer than 2

- 7. Have you ever smoked cigarettes? [] Yes [] No
8. Do you now smoke cigarettes? [] Yes [] No
9. If you smoke or have smoked cigarettes, for how many years have you smoked, or did you smoke?
[] Less than 1 year [] Number of years
What is or was the greatest number of packs per day that you have smoked?
[] Number of packs

- If you quit smoking cigarettes, how many years ago did you quit?
[] Less than 1 year [] Number of years

- How many packs a day do you now smoke? [] Number of packs per day
10. Have you ever been told by a doctor that you had a kidney or urinary tract disease or disorder? [] Yes [] No
11. Have you ever had any of these disorders?
Kidney stones [] Yes [] No
Protein in urine [] Yes [] No
Blood in urine [] Yes [] No
Difficulty urinating [] Yes [] No
Other kidney/Urinary disorders [] Yes [] No

Please describe problems, age, treatment, and follow up for any kidney or urinary problems you have had:

- 12. Have you ever been told by a doctor or other health care provider who took your blood pressure that your blood pressure was high? [] Yes [] No
13. Have you ever been advised to take any blood pressure medication?
[] Yes [] No
14. Are you presently taking any blood pressure medication? [] Yes [] No
15. Are you presently taking any other medication? [] Yes [] No
16. Please list any blood pressure or other medications and describe how long you have been taking each one:
Medicine:

How Long Taken

- 17. Have you ever been told by a doctor that you have diabetes? (sugar in your blood or urine) [] Yes [] No
If yes, do you presently see a doctor about your diabetes? [] Yes [] No
If yes, how do you control your blood sugar? [] Diet alone
[] Diet plus oral medicine [] Diet plus insulin (injection)

- 18. Have you ever been told by a doctor that you had:
Anemia [] Yes [] No A low blood count? [] Yes [] No
19. Do you presently feel that you tire or run out of energy sooner than normal or sooner than other people your age? [] Yes [] No
If yes, for how long have you felt that you tire easily? [] Less than 1 year [] Number of years

- 20. Have you given blood within the last year? [] Yes [] No
If yes, how many times? [] Number of times
How long ago was the last time you gave blood? [] Less than 1 month [] Number of months
21. Within the last year have you had any injuries with heavy bleeding?
[] Yes [] No
If yes, how long ago? [] Less than 1 month [] Number of months Describe:

- 22. Have you recently had any surgery? [] Yes [] No If yes, please describe:

- 23. Have you seen any blood lately in your stool or after a bowel movement?
[] Yes [] No

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24. Have you ever had a test for blood in your stool? [] Yes [] No
If yes, did the test show any blood in the stool? [] Yes [] No
What further evaluation and treatment were done?

The following questions pertain to the ability to wear a respirator. Additional information for the physician can be found in The Respiratory Protective Devices Manual.

25. Have you ever been told by a doctor that you have asthma? [] Yes [] No
If yes, are you presently taking any medication for asthma?
Mark all that apply. [] Shots [] Pills [] Inhaler

26. Have you ever had a heart attack? [] Yes [] No
If yes, how long ago? [] Number of years [] Number of months

27. Have you ever had pains in your chest? [] Yes [] No
If yes, when did it usually happen? [] While resting [] While working
[] While exercising [] Activity didn't matter

28. Have you ever had a thyroid problem? [] Yes [] No
29. Have you ever had a seizure or fits? [] Yes [] No

30. Have you ever had a stroke (cerebrovascular accident)? [] Yes [] No
31. Have you ever had a ruptured eardrum or a serious hearing problem?
[] Yes [] No

32. Do you now have a claustrophobia, meaning fear of crowded or closed in spaces or any psychological problems that would make it hard for you to wear a respirator? [] Yes [] No

The following questions pertain to reproductive history.
33. Have you or your partner had a problem conceiving a child?
[] Yes [] No
If yes, specify: [] Self [] Present mate [] Previous mate

34. Have you or your partner consulted a physician for a fertility or other reproductive problem? [] Yes [] No
If yes, specify who consulted the physician: [] Self [] Spouse/partner
[] Self and partner
If yes, specify diagnosis made:

35. Have you or your partner ever conceived a child resulting in a miscarriage, still birth or deformed offspring?
[] Yes [] No
If yes, specify: [] Miscarriage [] Still birth [] Deformed offspring
If outcome was a deformed offspring, please specify type:

36. Was this outcome a result of a pregnancy of: [] Yours with present partner
[] Yours with a previous partner

37. Did the timing of any abnormal pregnancy outcome coincide with present employment? [] Yes [] No
List dates of occurrences:

38. What is the occupation of your spouse or partner?

For Women Only

39. Do you have menstrual periods? [] Yes [] No
Have you had menstrual irregularities? [] Yes [] No
If yes, specify type:

If yes, what was the approximated date this problem began?

For Men Only

40. Have you ever been diagnosed by a physician as having prostate gland problem(s)? [] Yes [] No
If yes, please describe type of problem(s) and what was done to evaluate and treat the problem(s):

NEW SECTION

WAC 296-62-07449 Appendix E—Cadmium in workplace atmospheres.

Method number: ID-189 (OSHA); 0009 (WISHA)

Matrix: Air

WISHA permissible exposure limits: 5 µg/m³ (TWA), 2.5 µg/m³ (action level TWA)

Collection procedure: A known volume of air is drawn through a 37-mm diameter filter cassette containing a 0.8 µm mixed cellulose ester membrane filter (MCEF).

Recommended air volume: 960 L

Recommended sampling rate: 2.0 L/min

Analytical procedure: Air filter samples are digested with nitric acid. After digestion, a small amount of hydrochloric acid is added. The samples are then diluted to volume with deionized water and analyzed by either flame atomic absorption spectroscopy (AAS) or flameless atomic absorption spectroscopy using a heated graphite furnace atomizer (AAS-HGA).

Detection limits:

Qualitative: 0.2 µg/m³ for a 200 L sample by Flame AAS, 0.007 µg/m³ for a 60 L sample by AAS-HGA

Quantitative: 0.70 µg/m³ for a 200 L sample by Flame AAS, 0.025 µg/m³ for a 60 L sample by AAS-HGA

Precision and accuracy: (Flame AAS Analysis and AAS-HGA Analysis):

Validation level: 2.5 to 10 µg/m³ for a 400 L air vol, 1.25 to 5.0 µg/m³ for a 60 L air vol CV1 (pooled): 0.010, 0.043

Analytical bias: +4.0%, -5.8%

Overall analytical error: ±6.0%, ±14.2%

Method classification: Validated Date: June, 1992

Inorganic Service Branch II, OSHA Salt Lake Technical Center, Salt Lake City, Utah Commercial manufacturers and products mentioned in this method are for descriptive use only and do not constitute endorsements by USDOL-OSHA. Similar products from other sources can be substituted.

(1) Introduction.

(a) Scope.

This method describes the collection of airborne elemental cadmium and cadmium compounds on 0.8 µm mixed cellulose ester membrane filters and their subsequent analysis by either flame atomic absorption spectroscopy (AAS) or flameless atomic absorption spectroscopy using a heated graphite furnace atomizer (AAS-HGA). It is applicable for both TWA and action level TWA permissible exposure level (PEL) measurements. The two atomic absorption analytical techniques included in the method do not differentiate between cadmium fume and cadmium dust samples. They also do not differentiate between elemental cadmium and its compounds.

(b) Principle.

Airborne elemental cadmium and cadmium compounds are collected on a 0.8 µm mixed cellulose ester membrane filter (MCEF). The air filter samples are digested with concentrated nitric acid to destroy the organic matrix and dissolve the cadmium analytes. After digestion, a small amount of concentrated hydrochloric acid is added to help dissolve other metals which may be present. The samples are diluted to volume with deionized water and then aspirated into the oxidizing air/acetylene flame of an atomic absorption spectrophotometer for analysis of elemental cadmium. If the concentration of cadmium in a sample solution is too low for quantitation by this flame AAS analytical technique, and the sample is to be averaged with other samples for TWA calculations, aliquots of the sample and a matrix modifier are later injected onto a L'vov platform in a pyrolytically-coated graphite tube of a Zeeman atomic absorption spectrophotometer/graphite furnace

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assembly for analysis of elemental cadmium. The matrix modifier is added to stabilize the cadmium metal and minimize sodium chloride as an interference during the high temperature charring step of the analysis subsection (5)(a) and (b) of this section.

(c) History.

Previously, two WISHA sampling and analytical methods for cadmium were used concurrently WAC 296-62-07449 (c) and (d). Both of these methods also required 0.8 µm mixed cellulose ester membrane filters for the collection of air samples. These cadmium air filter samples were analyzed by either flame atomic absorption spectroscopy (subsection (5)(c) of this section) or inductively coupled plasma/atomic emission spectroscopy (ICP-AES) (subsection (5)(d) of this section). Neither of these two analytical methods have adequate sensitivity for measuring workplace exposure to airborne cadmium at the new lower TWA and action level TWA PEL levels when consecutive samples are taken on one employee and the sample results need to be averaged with other samples to determine a single TWA. The inclusion of two atomic absorption analytical techniques in the new sampling and analysis method for airborne cadmium permits quantitation of sample results over a broad range of exposure levels and sampling periods. The flame AAS analytical technique included in this method is similar to the previous procedure given in the General Metals Method ID-121 (subsection (5)(c) of this section) with some modifications. The sensitivity of the AAS-HGA analytical technique included in this method is adequate to measure exposure levels at 1/10 the action level TWA, or lower, when less than full-shift samples need to be averaged together.

(d) Properties (subsection (5)(e) of this section).

Elemental cadmium is a silver-white, blue-tinged, lustrous metal which is easily cut with a knife. It is slowly oxidized by moist air to form cadmium oxide. It is insoluble in water, but reacts readily with dilute nitric acid. Some of the physical properties and other descriptive information of elemental cadmium are given below:

CAS No	7440-43-9
Atomic Number	48
Atomic Symbol	Cd
Atomic Weight	112.41
Melting Point	321°C
Boiling Point	765°C
Density	8.65 g/mL (25°C)

The properties of specific cadmium compounds are described in reference subsection (5)(e) of this section.

(e) Method performance.

A synopsis of method performance is presented below. Further information can be found in subsection (4) of this section.

(i) The qualitative and quantitative detection limits for the flame AAS analytical technique are 0.04 µg (0.004 µg/mL) and 0.14 µg (0.014 µg/mL) cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.2 µg/m³ and 0.70 µg/m³ for a 200 L air volume.

(ii) The qualitative and quantitative detection limits for the AAS-HGA analytical technique are 0.44 ng (0.044 ng/mL) and 1.5 ng (0.15 ng/mL) cadmium, respectively, for

a 10 mL solution volume. These correspond, respectively, to 0.007 µg/m³ and 0.025 µg/m³ for a 60 L air volume.

(iii) The average recovery by the flame AAS analytical technique of 17 spiked MCEF samples containing cadmium in the range of 0.5 to 2.0 times the TWA target concentration of 5 µg/m³ (assuming a 400 L air volume) was 104.0% with a pooled coefficient of variation (CV¹) of 0.010. The flame analytical technique exhibited a positive bias of +4.0% for the validated concentration range. The overall analytical error (OAE) for the flame AAS analytical technique was ±6.0%.

(iv) The average recovery by the AAS-HGA analytical technique of 18 spiked MCEF samples containing cadmium in the range of 0.5 to 2.0 times the action level TWA target concentration of 2.5 µg/m³ (assuming a 60 L air volume) was 94.2% with a pooled coefficient of variation (CV¹) of 0.043. The AAS-HGA analytical technique exhibited a negative bias of -5.8% for the validated concentration range. The overall analytical error (OAE) for the AAS-HGA analytical technique was ±14.2%.

(v) Sensitivity in flame atomic absorption is defined as the characteristic concentration of an element required to produce a signal of 1% absorbance (0.0044 absorbance units). Sensitivity values are listed for each element by the atomic absorption spectrophotometer manufacturer and have proved to be a very valuable diagnostic tool to determine if instrumental parameters are optimized and if the instrument is performing up to specification. The sensitivity of the spectrophotometer used in the validation of the flame AAS analytical technique agreed with the manufacturer specifications (subsection (5)(f) of this section); the 2 µg/mL cadmium standard gave an absorbance reading of 0.350 abs. units.

(vi) Sensitivity in graphite furnace atomic absorption is defined in terms of the characteristic mass, the number of picograms required to give an integrated absorbance value of 0.0044 absorbance-second (subsection (5)(g) of this section). Data suggests that under stabilized temperature platform furnace (STPF) conditions (see (f)(ii) of this subsection), characteristic mass values are transferable between properly functioning instruments to an accuracy of about twenty percent (subsection (5)(b) of this section). The characteristic mass for STPF analysis of cadmium with Zeeman background correction listed by the manufacturer of the instrument used in the validation of the AAS-HGA analytical technique was 0.35 pg. The experimental characteristic mass value observed during the determination of the working range and detection limits of the AAS-HGA analytical technique was 0.41 pg.

(f) Interferences.

(i) High concentrations of silicate interfere in determining cadmium by flame AAS (subsection (5)(f) of this section). However, silicates are not significantly soluble in the acid matrix used to prepare the samples.

(ii) Interferences, such as background absorption, are reduced to a minimum in the AAS-HGA analytical technique by taking full advantage of the stabilized temperature platform furnace (STPF) concept. STPF includes all of the following parameters (subsection (5)(b) of this section):

- (A) Integrated absorbance;
- (B) Fast instrument electronics and sampling frequency;
- (C) Background correction;
- (D) Maximum power heating;

- (E) Atomization off the L'vov platform in a pyrolytically coated graphite tube;
- (F) Gas stop during atomization;
- (G) Use of matrix modifiers.
- (g) Toxicology (subsection (5)(n) of this section).

Information listed within this section is synopsis of current knowledge of the physiological effects of cadmium and is not intended to be used as the basis for WISHA policy. IARC classifies cadmium and certain of its compounds as Group 2A carcinogens (probably carcinogenic to humans). Cadmium fume is intensely irritating to the respiratory tract. Workplace exposure to cadmium can cause both chronic and acute effects. Acute effects include tracheobronchitis, pneumonitis, and pulmonary edema. Chronic effects include anemia, rhinitis/anosmia, pulmonary emphysema, proteinuria and lung cancer. The primary target organs for chronic disease are the kidneys (noncarcinogenic) and the lungs (carcinogenic).

(2) Sampling.

(a) Apparatus.

(i) Filter cassette unit for air sampling: A 37-mm diameter mixed cellulose ester membrane filter with a pore size of 0.8 μm contained in a 37-mm polystyrene two- or three-piece cassette filter holder (part no. MAWP 037 A0, Millipore Corp., Bedford, MA). The filter is supported with a cellulose backup pad. The cassette is sealed prior to use with a shrinkable gel band.

(ii) A calibrated personal sampling pump whose flow is determined to an accuracy of $\pm 5\%$ at the recommended flow rate with the filter cassette unit in line.

(b) Procedure

(i) Attach the prepared cassette to the calibrated sampling pump (the backup pad should face the pump) using flexible tubing. Place the sampling device on the employee such that air is sampled from the breathing zone.

(ii) Collect air samples at a flow rate of 2.0 L/min. If the filter does not become overloaded, a full-shift (at least seven hours) sample is strongly recommended for TWA and action level TWA measurements with a maximum air volume of 960 L. If overloading occurs, collect consecutive air samples for shorter sampling periods to cover the full workshift.

(iii) Replace the end plugs into the filter cassettes immediately after sampling. Record the sampling conditions.

(iv) Securely wrap each sample filter cassette end-to-end with a sample seal.

(v) Submit at least one blank sample. With each set of air samples. The blank sample should be handled the same as the other samples except that no air is drawn through it.

(vi) Ship the samples to the laboratory for analysis as soon as possible in a suitable container designed to prevent damage in transit.

(3) Analysis.

(a) Safety precautions.

(i) Wear safety glasses, protective clothing and gloves at all times.

(ii) Handle acid solutions with care. Handle all cadmium samples and solutions with extra care (see subsection (1)(g) of this section). Avoid their direct contact with work area surfaces, eyes, skin and clothes. Flush acid solutions which contact the skin or eyes with copious amounts of water.

(iii) Perform all acid digestions and acid dilutions in an exhaust hood while wearing a face shield. To avoid exposure to acid vapors, do not remove beakers containing concentrated acid solutions from the exhaust hood until they have returned to room temperature and have been diluted or emptied.

(iv) Exercise care when using laboratory glassware. Do not use chipped pipets, volumetric flasks, beakers or any glassware with sharp edges exposed in order to avoid the possibility of cuts or abrasions.

(v) Never pipet by mouth.

(vi) Refer to the instrument instruction manuals and SOPs (subsection (5)(h) and (i) of this section) for proper and safe operation of the atomic absorption spectrophotometer, graphite furnace atomizer and associated equipment.

(vii) Because metallic elements and other toxic substances are vaporized during AAS flame or graphite furnace atomizer operation, it is imperative that an exhaust vent be used. Always ensure that the exhaust system is operating properly during instrument use.

(b) Apparatus for sample and standard preparation.

(i) Hot plate, capable of reaching 150°C, installed in an exhaust hood.

(ii) Phillips beakers, 125 mL.

(iii) Bottles, narrow-mouth, polyethylene or glass with leakproof caps: used for storage of standards and matrix modifier.

(iv) Volumetric flasks, volumetric pipets, beakers and other associated general laboratory glassware.

(v) Forceps and other associated general laboratory equipment.

(c) Apparatus for flame AAS analysis.

(i) Atomic absorption spectrophotometer consisting of a(an):

Nebulizer and burner head; pressure regulating devices capable of maintaining constant oxidant and fuel pressures; optical system capable of isolating the desired wavelength of radiation (228.8 nm); adjustable slit; light measuring and amplifying device; display, strip chart, or computer interface for indicating the amount of absorbed radiation; cadmium hollow cathode lamp or electrodeless discharge lamp (EDL) and power supply.

(ii) Oxidant: Compressed air, filtered to remove water, oil and other foreign substances.

(iii) Fuel: Standard commercially available tanks of acetylene dissolved in acetone; tanks should be equipped with flash arresters.

Caution: Do not use grades of acetylene containing solvents other than acetone because they may damage the PVC tubing used in some instruments.

(iv) Pressure-reducing valves: Two gauge, two-stage pressure regulators to maintain fuel and oxidant pressures somewhat higher than the controlled operating pressures of the instrument.

(v) Exhaust vent installed directly above the spectrophotometer burner head.

(d) Apparatus for AAS-HGA analysis.

(i) Atomic absorption spectrophotometer consisting of a(an):

Heated graphite furnace atomizer (HGA) with argon purge system pressure-regulating devices capable of main-

taining constant argon purge pressure; optical system capable of isolating the desired wavelength of radiation (228.8 nm); adjustable slit; light measuring and amplifying device; display, strip chart, or computer interface for indicating the amount of absorbed radiation (as integrated absorbance, peak area); background corrector: Zeeman or deuterium arc. The Zeeman background corrector is recommended; cadmium hollow cathode lamp or electrodeless discharge lamp (EDL) and power supply; autosampler capable of accurately injecting 5 to 20 μL sample aliquots onto the L'vov Platform in a graphite tube.

(ii) Pyrolytically coated graphite tubes containing solid, pyrolytic L'vov platforms.

(iii) Polyethylene sample cups, 2.0 to 2.5 mL, for use with the autosampler.

(iv) Inert purge gas for graphite furnace atomizer: Compressed gas cylinder of purified argon.

(v) Two gauge, two-stage pressure regulator for the argon gas cylinder.

(vi) Cooling water supply for graphite furnace atomizer.

(vii) Exhaust vent installed directly above the graphite furnace atomizer.

(e) Reagents. All reagents should be ACS analytical reagent grade or better.

(i) Deionized water with a specific conductance of less than 10 μS .

(ii) Concentrated nitric acid, HNO_3 .

(iii) Concentrated hydrochloric acid, HCl .

(iv) Ammonium phosphate, monobasic, $\text{NH}_4\text{H}_2\text{PO}_4$.

(v) Magnesium nitrate, $\text{Mg}(\text{NO}_3)_2$.

(vi) Diluting solution (4% HNO_3 , 0.4% HCl): Add 40 mL HNO_3 and 4 mL HCl carefully to approximately 500 mL deionized water and dilute to 1 L with deionized water.

(vii) Cadmium standard stock solution, 1,000 $\mu\text{g}/\text{mL}$: Use a commercially available certified 1,000 $\mu\text{g}/\text{mL}$ cadmium standard or, alternatively, dissolve 1.0000 g of cadmium metal in a minimum volume of 1:1 HCl and dilute to 1 L with 4% HNO_3 . Observe expiration dates of commercial standards. Properly dispose of commercial standards with no expiration dates or prepared standards one year after their receipt or preparation date.

(viii) Matrix modifier for AAS-HGA analysis: Dissolve 1.0 g $\text{NH}_4\text{H}_2\text{PO}_4$ and 0.15 g $\text{Mg}(\text{NO}_3)_2$ in approximately 200 mL deionized water. Add 1 mL HNO_3 and dilute to 500 mL with deionized water.

(ix) Nitric Acid, 1:1 $\text{HNO}_3/\text{DI H}_2\text{O}$ mixture: Carefully add a measured volume of concentrated HNO_3 to an equal volume of $\text{DI H}_2\text{O}$.

(x) Nitric acid, 10% v/v: Carefully add 100 mL of concentrated HNO_3 to 500 mL of $\text{DI H}_2\text{O}$ and dilute to 1 L.

(f) Glassware preparation.

(i) Clean Phillips beakers by refluxing with 1:1 nitric acid on a hot plate in a fume hood. Thoroughly rinse with deionized water and invert the beakers to allow them to drain dry.

(ii) Rinse volumetric flasks and all other glassware with 10% nitric acid and deionized water prior to use.

(g) Standard preparation for flame AAS analysis.

(i) Dilute stock solutions: Prepare 1, 5, 10 and 100 $\mu\text{g}/\text{mL}$ cadmium standard stock solutions by making appropriate serial dilutions of 1,000 $\mu\text{g}/\text{mL}$ cadmium standard

stock solution with the diluting solution described in (e)(vi) of this subsection.

(ii) Working standards: Prepare cadmium working standards in the range of 0.02 to 2.0 $\mu\text{g}/\text{mL}$ by making appropriate serial dilutions of the dilute stock solutions with the same diluting solution. A suggested method of preparation of the working standards is given below.

Working standard ($\mu\text{g}/\text{mL}$)	Std solution ($\mu\text{g}/\text{mL}$)	Aliquot (mL)	Final vol. (mL)
0.02	1	10	500
0.05	5	5	500
0.1	10	5	500
0.2	10	10	500
0.5	10	25	500
1	100	5	500
2	100	10	500

Store the working standards in 500-mL, narrow-mouth polyethylene or glass bottles with leak proof caps. Prepare every twelve months.

(h) Standard preparation for AAS-HGA analysis.

(i) Dilute stock solutions: Prepare 10, 100 and 1,000 ng/mL cadmium standard stock solutions by making appropriate ten-fold serial dilutions of the 1,000 $\mu\text{g}/\text{mL}$ cadmium standard stock solution with the diluting solution described in (e)(vi) of this subsection.

(ii) Working standards: Prepare cadmium working standards in the range of 0.2 to 20 ng/mL by making appropriate serial dilutions of the dilute stock solutions with the same diluting solution. A suggested method of preparation of the working standards is given below.

Working standard (ng/mL)	Std solution (ng/mL)	Aliquot (mL)	Final vol. (mL)
0.2	10	2	100
0.5	10	5	100
1	10	10	100
2	100	2	100
5	100	5	100
10	100	10	100
20	1,000	2	100

Store the working standards in narrow-mouth polyethylene or glass bottles with leakproof caps. Prepare monthly.

(i) Sample preparation.

(i) Carefully transfer each sample filter with forceps from its filter cassette unit to a clean, separate 125-mL Phillips beaker along with any loose dust found in the cassette. Label each Phillips beaker with the appropriate sample number.

(ii) Digest the sample by adding 5 mL of concentrated nitric acid (HNO_3) to each Phillips beaker containing an air filter sample. Place the Phillips beakers on a hot plate in an exhaust hood and heat the samples until approximately 0.5 mL remains. The sample solution in each Phillips beaker should become clear. If it is not clear, digest the sample with another portion of concentrated nitric acid.

(iii) After completing the HNO_3 digestion and cooling the samples, add 40 μL (2 drops) of concentrated HCl to

each air sample solution and then swirl the contents. Carefully add about 5 mL of deionized water by pouring it down the inside of each beaker.

(iv) Quantitatively transfer each cooled air sample solution from each Phillips beaker to a clean 10-mL volumetric flask. Dilute each flask to volume with deionized water and mix well.

(j) Flame AAS analysis.

Analyze all of the air samples for their cadmium content by flame atomic absorption spectroscopy (AAS) according to the instructions given below.

(i) Set up the atomic absorption spectrophotometer for the air/acetylene flame analysis of cadmium according to the SOP (subsection (5)(h) of this section) or the manufacturer's operational instructions. For the source lamp, use the cadmium hollow cathode or electrodeless discharge lamp operated at the manufacturer's recommended rating for continuous operation. Allow the lamp to warm up ten to twenty minutes or until the energy output stabilizes. Optimize conditions such as lamp position, burner head alignment, fuel and oxidant flow rates, etc. See the SOP or specific instrument manuals for details. Instrumental parameters for the Perkin-Elmer Model 603 used in the validation of this method are given in subsection (6) of this section.

(ii) Aspirate and measure the absorbance of a standard solution of cadmium. The standard concentration should be within the linear range. For the instrumentation used in the validation of this method a 2 µg/mL cadmium standard gives a net absorbance reading of about 0.350 abs. units (see subsection (1)(e)(v) of this section) when the instrument and the source lamp are performing to manufacturer specifications.

(iii) To increase instrument response, scale expand the absorbance reading of the aspirated 2 µg/mL working standard approximately four times. Increase the integration time to at least three seconds to reduce signal noise.

(iv) Autozero the instrument while aspirating a deionized water blank. Monitor the variation in the baseline absorbance reading (baseline noise) for a few minutes to insure that the instrument, source lamp and associated equipment are in good operating condition.

(v) Aspirate the working standards and samples directly into the flame and record their absorbance readings. Aspirate the deionized water blank immediately after every standard or sample to correct for and monitor any baseline drift and noise. Record the baseline absorbance reading of each deionized water blank. Label each standard and sample reading and its accompanying baseline reading.

(vi) It is recommended that the entire series of working standards be analyzed at the beginning and end of the analysis of a set of samples to establish a concentration-response curve, ensure that the standard readings agree with each other and are reproducible. Also, analyze a working standard after every five or six samples to monitor the performance of the spectrophotometer. Standard readings should agree within ±10 to 15% of the readings obtained at the beginning of the analysis.

(vii) Bracket the sample readings with standards during the analysis. If the absorbance reading of a sample is above the absorbance reading of the highest working standard, dilute the sample with diluting solution and reanalyze. Use the appropriate dilution factor in the calculations.

(viii) Repeat the analysis of approximately ten percent of the samples for a check of precision.

(ix) If possible, analyze quality control samples from an independent source as a check on analytical recovery and precision.

(x) Record the final instrument settings at the end of the analysis. Date and label the output.

(k) AAS-HGA analysis.

Initially analyze all of the air samples for their cadmium content by flame atomic absorption spectroscopy (AAS) according to the instructions given in (j) of this subsection. If the concentration of cadmium in a sample solution is less than three times the quantitative detection limit (0.04 µg/mL (40 ng/mL) for the instrumentation used in the validation) and the sample results are to be averaged with other samples for TWA calculations, proceed with the AAS-HGA analysis of the sample as described below.

(i) Set up the atomic absorption spectrophotometer and HGA for flameless atomic absorption analysis of cadmium according to the SOP (subsection (5)(i) of this section) or the manufacturer's operational instructions and allow the instrument to stabilize. The graphite furnace atomizer is equipped with a pyrolytically coated graphite tube containing a pyrolytic platform. For the source lamp, use a cadmium hollow cathode or electrodeless discharge lamp operated at the manufacturer's recommended setting for graphite furnace operation. The Zeeman background corrector and EDL are recommended for use with the L'vov platform. Instrumental parameters for the Perkin-Elmer Model 5100 spectrophotometer and Zeeman HGA-600 graphite furnace used in the validation of this method are given in WAC 296-62-07443, Appendix B.

(ii) Optimize the energy reading of the spectrophotometer at 228.8 nm by adjusting the lamp position and the wavelength according to the manufacturer's instructions.

(iii) Set up the autosampler to inject a 5-µL aliquot of the working standard, sample or reagent blank solution onto the L'vov platform along with a 10-µL overlay of the matrix modifier.

(iv) Analyze the reagent blank (diluting solution, (e)(vi) of this subsection) and then autozero the instrument before starting the analysis of a set of samples. It is recommended that the reagent blank be analyzed several times during the analysis to assure the integrated absorbance (peak area) reading remains at or near zero.

(v) Analyze a working standard approximately midway in the linear portion of the working standard range two or three times to check for reproducibility and sensitivity (see subsection (1)(e)(v) and (vi) of this section) before starting the analysis of samples. Calculate the experimental characteristic mass value from the average integrated absorbance reading and injection volume of the analyzed working standard. Compare this value to the manufacturer's suggested value as a check of proper instrument operation.

(vi) Analyze the reagent blank, working standard, and sample solutions. Record and label the peak area (abs-sec) readings and the peak and background peak profiles on the printer/plotter.

(vii) It is recommended the entire series of working standards be analyzed at the beginning and end of the analysis of a set of samples. Establish a concentration-response curve and ensure standard readings agree with each

other and are reproducible. Also, analyze a working standard after every five or six samples to monitor the performance of the system. Standard readings should agree within $\pm 15\%$ of the readings obtained at the beginning of the analysis.

(viii) Bracket the sample readings with standards during the analysis. If the peak area reading of a sample is above the peak area reading of the highest working standard, dilute the sample with the diluting solution and reanalyze. Use the appropriate dilution factor in the calculations.

(ix) Repeat the analysis of approximately ten percent of the samples for a check of precision.

(x) If possible, analyze quality control samples from an independent source as a check of analytical recovery and precision.

(xi) Record the final instrument settings at the end of the analysis. Date and label the output.

(l) Calculations.

Note: Standards used for HGA analysis are in ng/mL. Total amounts of cadmium from calculations will be in ng (not μg) unless a prior conversion is made.

(i) Correct for baseline drift and noise in flame AAS analysis by subtracting each baseline absorbance reading from its corresponding working standard or sample absorbance reading to obtain the net absorbance reading for each standard and sample.

(ii) Use a least squares regression program to plot a concentration-response curve of net absorbance reading (or peak area for HGA analysis) versus concentration ($\mu\text{g}/\text{mL}$ or ng/mL) of cadmium in each working standard.

(iii) Determine the concentration ($\mu\text{g}/\text{mL}$ or ng/mL) of cadmium in each sample from the resulting concentration-response curve. If the concentration of cadmium in a sample solution is less than three times the quantitative detection limit ($0.04 \mu\text{g}/\text{mL}$ ($40 \text{ ng}/\text{mL}$) for the instrumentation used in the validation of the method) and if consecutive samples were taken on one employee and the sample results are to be averaged with other samples to determine a single TWA, reanalyze the sample by AAS-HGA as described in (k) of this subsection and report the AAS-HGA analytical results.

(iv) Calculate the total amount (μg or ng) of cadmium in each sample from the sample solution volume (mL):

$$W = (C)(\text{sample vol, mL})(DF)$$

Where: W=Total cadmium in sample
C=Calculated concentration of cadmium
DF=Dilution Factor (if applicable)

(v) Make a blank correction for each air sample by subtracting the total amount of cadmium in the corresponding blank sample from the total amount of cadmium in the sample.

(vi) Calculate the concentration of cadmium in an air sample (mg/m^3 or $\mu\text{g}/\text{m}^3$) by using one of the following equations:

$$\text{mg}/\text{m}^3 = W_{bc} / (\text{Air vol sampled, L})$$

$$\text{or}$$

$$\mu\text{g}/\text{m}^3 = (W_{bc})(1,000 \text{ ng}/\mu\text{g}) / (\text{Air vol sampled, L})$$

Where: W_{bc} = blank corrected total μg cadmium in the sample.
($1 \mu\text{g} = 1,000 \text{ ng}$)

(4) Backup data.

(a) Introduction.

(i) The purpose of this evaluation is to determine the analytical method recovery, working standard range, and qualitative and quantitative detection limits of the two atomic absorption analytical techniques included in this method. The evaluation consisted of the following experiments:

(A) An analysis of twenty-four samples (six samples each at 0.1, 0.5, 1 and 2 times the TWA-PEL) for the analytical method recovery study of the flame AAS analytical technique.

(B) An analysis of eighteen samples (six samples each at 0.5, 1 and 2 times the action level TWA-PEL) for the analytical method recovery study of the AAS-HGA analytical technique.

(C) Multiple analyses of the reagent blank and a series of standard solutions to determine the working standard range and the qualitative and quantitative detection limits for both atomic absorption analytical techniques.

(ii) The analytical method recovery results at all test levels were calculated from concentration-response curves and statistically examined for outliers at the ninety-nine percent confidence level. Possible outliers were determined using the Treatment of Outliers test (subsection (5)(j) of this section). In addition, the sample results of the two analytical techniques, at 0.5, 1.0 and 2.0 times their target concentrations, were tested for homogeneity of variances also at the ninety-nine percent confidence level. Homogeneity of the coefficients of variation was determined using the Bartlett's test (subsection (5)(k) of this section). The overall analytical error (OAE) at the ninety-five percent confidence level was calculated using the equation (subsection (5)(l) of this section):

$$\text{OAE} = \pm [| \text{Bias} | + (1.96)(CV_1(\text{pooled}))(100\%)]$$

(iii) A derivation of the International Union of Pure and Applied Chemistry (IUPAC) detection limit equation (subsection (5)(m) of this section) was used to determine the qualitative and quantitative detection limits for both atomic absorption analytical techniques:

$$C_{ld} = k(sd)/m \quad (\text{Equation 1})$$

Where: C_{ld} = the smallest reliable detectable concentration an analytical instrument can determine at a given confidence level.

$k=3$ for the Qualitative Detection Limit at the 99.86% Confidence Level

$=10$ for the Quantitative Detection Limit at the 99.99% Confidence Level.

sd = standard deviation of the reagent blank (Rbl) readings.
 m = analytical sensitivity or slope as calculated by linear regression.

(iv) Collection efficiencies of metallic fume and dust atmospheres on $0.8\text{-}\mu\text{m}$ mixed cellulose ester membrane filters are well documented and have been shown to be excellent (subsection (5)(k) of this section). Since elemental cadmium and the cadmium component of cadmium compounds are nonvolatile, stability studies of cadmium spiked MCEF samples were not performed.

(b) Equipment.

(i) A Perkin-Elmer (PE) Model 603 spectrophotometer equipped with a manual gas control system, a stainless steel nebulizer, a burner mixing chamber, a flow spoiler and a 10 cm (one-slot) burner head was used in the experimental validation of the flame AAS analytical technique. A PE cadmium hollow cathode lamp, operated at the

manufacturer's recommended current setting for continuous operation (4 mA), was used as the source lamp. Instrument parameters are listed in subsection (6) of this section.

(ii) A PE Model 5100 spectrophotometer, Zeeman HGA-600 graphite furnace atomizer and AS-60 HGA autosampler were used in the experimental validation of the AAS-HGA analytical technique. The spectrophotometer was equipped with a PE Series 7700 professional computer and Model PR-310 printer. A PE System 2 cadmium electrodeless discharge lamp, operated at the manufacturer's recommended current setting for modulated operation (170 mA), was used as the source lamp. Instrument parameters are listed in subsection (7) of this section.

(c) Reagents.

(i) J.T. Baker Chem. Co. (Analyzed grade) concentrated nitric acid, 69.0-71.0%, and concentrated hydrochloric acid, 36.5-38.0%, were used to prepare the samples and standards.

(ii) Ammonium phosphate, monobasic, $\text{NH}_4\text{H}_2\text{PO}_4$ and magnesium nitrate hexahydrate, $\text{Mg}(\text{NO}_3)_2 \cdot 6 \text{H}_2\text{O}$ both manufactured by the Mallinckrodt Chem. Co., were used to prepare the matrix modifier for AAS-HGA analysis.

(d) Standard preparation for flame AAS analysis.

(i) Dilute stock solutions: Prepared 0.01, 0.1, 1, 10 and 100 $\mu\text{g}/\text{mL}$ cadmium standard stock solutions by making appropriate serial dilutions of a commercially available 1,000 $\mu\text{g}/\text{mL}$ cadmium standard stock solution (RICCA Chemical Co., Lot# A102) with the diluting solution (4% HNO_3 , 0.4% HCl).

(ii) Analyzed standards: Prepared cadmium standards in the range of 0.001 to 2.0 $\mu\text{g}/\text{mL}$ by pipetting 2 to 10 mL of the appropriate dilute cadmium stock solution into a 100-mL volumetric flask and diluting to volume with the diluting solution. (See subsection (3)(g)(ii) of this section).

(e) Standard preparation for AAS-HGA analysis.

(i) Dilute stock solutions: Prepared 1, 10, 100 and 1,000 ng/mL cadmium standard stock solutions by making appropriate serial dilutions of a commercially available 1,000 $\mu\text{g}/\text{mL}$ cadmium standard stock solution (J.T. Baker Chemical Co., Intra-analyzed, Lot# D22642) with the diluting solution (4% HNO_3 , 0.4% HCl).

(ii) Analyzed standards: Prepared cadmium standards in the range of 0.1 to 40 ng/mL by pipetting 2 to 10 mL of the appropriate dilute cadmium stock solution into a 100-mL volumetric flask and diluting to volume with the diluting solution. (See subsection (3)(h)(ii) of this section).

(f) Detection limits and standard working range for flame AAS analysis.

(i) Analyzed the reagent blank solution and the entire series of cadmium standards in the range of 0.001 to 2.0 $\mu\text{g}/\text{mL}$ three to six times according to the instructions given in subsection (3)(j) of this section. The diluting solution (4% HNO_3 , 0.4% HCl) was used as the reagent blank. The integration time on the PE 603 spectrophotometer was set to 3.0 seconds and a four-fold expansion of the absorbance reading of the 2.0 $\mu\text{g}/\text{mL}$ cadmium standard was made prior to analysis. The 2.0 $\mu\text{g}/\text{mL}$ standard gave a net absorbance reading of 0.350 abs. units prior to expansion in agreement with the manufacturer's specifications (subsection (5)(f) of this section).

(ii) The net absorbance readings of the reagent blank and the low concentration Cd standards from 0.001 to 0.1 $\mu\text{g}/\text{mL}$ and the statistical analysis of the results are shown in

Table 1. The standard deviation, sd, of the six net absorbance readings of the reagent blank is 1.05 abs. units. The slope, m, as calculated by a linear regression plot of the net absorbance readings (shown in Table 2) of the 0.02 to 1.0 $\mu\text{g}/\text{mL}$ cadmium standards versus their concentration is 772.7 abs. units/ $(\mu\text{g}/\text{mL})$.

(iii) If these values for sd and the slope, m, are used in Eqn. 1 ((a)(ii) of this subsection), the qualitative and quantitative detection limits as determined by the IUPAC Method are:

$$C_{ld} = (3)(1.05 \text{ abs. units}) / (772.7 \text{ abs. units}/(\mu\text{g}/\text{mL})) = 0.0041 \mu\text{g}/\text{mL} \text{ for the qualitative detection limit.}$$

$$C_{ld} = (10)(1.05 \text{ abs. units}) / (772.7 \text{ abs. units}/(\mu\text{g}/\text{mL})) = 0.014 \mu\text{g}/\text{mL} \text{ for the quantitative detection limit.}$$

The qualitative and quantitative detection limits for the flame AAS analytical technique are 0.041 μg and 0.14 μg cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.2 $\mu\text{g}/\text{m}^3$ and 0.70 $\mu\text{g}/\text{m}^3$ for a 200 L air volume.

(iv) The recommended Cd standard working range for flame AAS analysis is 0.02 to 2.0 $\mu\text{g}/\text{mL}$. The net absorbance readings of the reagent blank and the recommended working range standards and the statistical analysis of the results are shown in Table 2. The standard of lowest concentration in the working range, 0.02 $\mu\text{g}/\text{mL}$, is slightly greater than the calculated quantitative detection limit, 0.014 $\mu\text{g}/\text{mL}$. The standard of highest concentration in the working range, 2.0 $\mu\text{g}/\text{mL}$, is at the upper end of the linear working range suggested by the manufacturer (subsection (5)(f) of this section). Although the standard net absorbance readings are not strictly linear at concentrations above 0.5 $\mu\text{g}/\text{mL}$, the deviation from linearity is only about ten percent at the upper end of the recommended standard working range. The deviation from linearity is probably caused by the four-fold expansion of the signal suggested in the method. As shown in Table 2, the precision of the standard net absorbance readings are excellent throughout the recommended working range; the relative standard deviations of the readings range from 0.009 to 0.064.

(g) Detection limits and standard working range for AAS-HGA analysis.

(i) Analyzed the reagent blank solution and the entire series of cadmium standards in the range of 0.1 to 40 ng/mL according to the instructions given in subsection (3)(k) of this section. The diluting solution (4% HNO_3 , 0.4% HCl) was used as the reagent blank. A fresh aliquot of the reagent blank and of each standard was used for every analysis. The experimental characteristic mass value was 0.41 pg, calculated from the average peak area (abs-sec) reading of the 5 ng/mL standard which is approximately midway in the linear portion of the working standard range. This agreed within twenty percent with the characteristic mass value, 0.35 pg, listed by the manufacturer of the instrument (subsection (5)(b) of this section).

(ii) The peak area (abs-sec) readings of the reagent blank and the low concentration Cd standards from 0.1 to 2.0 ng/mL and statistical analysis of the results are shown in Table 3. Five of the reagent blank peak area readings were zero and the sixth reading was 1 and was an outlier. The near lack of a blank signal does not satisfy a strict interpretation of the IUPAC method for determining the detection

limits. Therefore, the standard deviation of the six peak area readings of the 0.2 ng/mL cadmium standard, 0.75 abs-sec, was used to calculate the detection limits by the IUPAC method. The slope, m , as calculated by a linear regression plot of the peak area (abs-sec) readings (shown in Table 4) of the 0.2 to 10 ng/mL cadmium standards versus their concentration is 51.5 abs-sec/(ng/mL).

(iii) If 0.75 abs-sec (sd) and 51.5 abs-sec/(ng/mL) (m) are used in Eqn. 1 ((a)(iii) of this subsection), the qualitative and quantitative detection limits as determined by the IUPAC method are:

$$C_{id} = (3)(0.75 \text{ abs-sec}) / (51.5 \text{ abs-sec}/(\text{ng/mL})) = 0.044 \text{ ng/mL for the qualitative detection limit.}$$

$$C_{id} = (10)(0.75 \text{ abs-sec}) / (51.5 \text{ abs-sec}/(\text{ng/mL})) = 0.15 \text{ ng/mL for the quantitative detection limit. The qualitative and quantitative detection limits for the AAS-HGA analytical technique are 0.44 ng and 1.5 ng cadmium, respectively, for a 10 mL solution volume. These correspond, respectively, to 0.007 } \mu\text{g/m}^3 \text{ and 0.025 } \mu\text{g/m}^3 \text{ for a 60 L air volume.}$$

(iv) The peak area (abs-sec) readings of the Cd standards from 0.2 to 40 ng/mL and the statistical analysis of the results are given in Table 4. The recommended standard working range for AAS-HGA analysis is 0.2 to 20 ng/mL. The standard of lowest concentration in the recommended working range is slightly greater than the calculated quantitative detection limit, 0.15 ng/mL. The deviation from linearity of the peak area readings of the 20 ng/mL standard, the highest concentration standard in the recommended working range, is approximately ten percent. The deviations from linearity of the peak area readings of the thirty and forty ng/mL standards are significantly greater than ten percent. As shown in Table 4, the precision of the peak area readings are satisfactory throughout the recommended working range; the relative standard deviations of the readings range from 0.025 to 0.083.

(h) Analytical method recovery for flame AAS analysis.

(i) Four sets of spiked MCEF samples were prepared by injecting 20 μL of 10, 50, 100 and 200 $\mu\text{g/mL}$ dilute cadmium stock solutions on 37 mm diameter filters (part No. AAWP 037 00, Millipore Corp., Bedford, MA) with a calibrated micropipet. The dilute stock solutions were prepared by making appropriate serial dilutions of a commercially available 1,000 $\mu\text{g/mL}$ cadmium standard stock solution (RICCA Chemical Co., Lot # A102) with the diluting solution (4% HNO_3 , 0.4% HCl). Each set contained six samples and a sample blank. The amount of cadmium in the prepared sets were equivalent to 0.1, 0.5, 1.0 and 2.0 times the TWA PEL target concentration of 5 $\mu\text{g/m}^3$ for a 400 L air volume.

(ii) The air-dried spiked filters were digested and analyzed for their cadmium content by flame atomic absorption spectroscopy (AAS) following the procedure described in subsection (3) of this section. The 0.02 to 2.0 $\mu\text{g/mL}$ cadmium standards (the suggested working range) were used in the analysis of the spiked filters.

(iii) The results of the analysis are given in Table 5. One result at 0.5 times the TWA PEL target concentration was an outlier and was excluded from statistical analysis. Experimental justification for rejecting it is that the outlier value was probably due to a spiking error. The coefficients of variation for the three test levels at 0.5 to 2.0 times the

TWA PEL target concentration passed the Bartlett's test and were pooled.

(iv) The average recovery of the six spiked filter samples at 0.1 times the TWA PEL target concentration was 118.2% with a coefficient of variation (CV1) of 0.128. The average recovery of the spiked filter samples in the range of 0.5 to 2.0 times the TWA target concentration was 104.0% with a pooled coefficient of variation (CV1) of 0.010. Consequently, the analytical bias found in these spiked sample results over the tested concentration range was +4.0% and the OAE was $\pm 6.0\%$.

(i) Analytical method recovery for AAS-HGA analysis.

(i) Three sets of spiked MCEF samples were prepared by injecting 15 μL of 5, 10 and 20 $\mu\text{g/mL}$ dilute cadmium stock solutions on 37 mm diameter filters (part no. AAWP 037 00, Millipore Corp., Bedford, MA) with a calibrated micropipet. The dilute stock solutions were prepared by making appropriate serial dilutions of a commercially available certified 1,000 $\mu\text{g/mL}$ cadmium standard stock solution (Fisher Chemical Co., Lot# 913438-24) with the diluting solution (4% HNO_3 , 0.4% HCl). Each set contained six samples and a sample blank. The amount of cadmium in the prepared sets were equivalent to 0.5, 1 and 2 times the action level TWA target concentration of 2.5 $\mu\text{g/m}^3$ for a 60 L air volume.

(ii) The air-dried spiked filters were digested and analyzed for their cadmium content by flameless atomic absorption spectroscopy using a heated graphite furnace atomizer following the procedure described in subsection (3) of this section. A five-fold dilution of the spiked filter samples at 2 times the action level TWA was made prior to their analysis. The 0.05 to 20 ng/mL cadmium standards were used in the analysis of the spiked filters.

(iii) The results of the analysis are given in Table 6. There were no outliers. The coefficients of variation for the three test levels at 0.5 to 2.0 times the action level TWA PEL passed the Bartlett's test and were pooled. The average recovery of the spiked filter samples was 94.2% with a pooled coefficient of variation (CV1) of 0.043. Consequently, the analytical bias was -5.8% and the OAE was $\pm 14.2\%$.

(j) Conclusions.

The experiments performed in this evaluation show the two atomic absorption analytical techniques included in this method to be precise and accurate and have sufficient sensitivity to measure airborne cadmium over a broad range of exposure levels and sampling periods.

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Table 1—Cd Detection Limit Study
[Flame AAS Analysis]

STD (µg/mL)	Absorbance reading at 228.8 nm		Statistical analysis
Reagent blank	5	2	n=6.
	4	3	mean=3.50.
	4	3	std dev=1.05. CV=0.30.
0.001	6	6	n=6.
	2	4	mean=5.00.
	6	6	std dev=1.67. CV=0.335.

0.002	5	7	n=6.
	7	3	mean=5.50.
	7	4	std dev=1.76. CV=0.320.
0.005	7	7	n=6.
	8	8	mean=7.33.
	8	6	std dev=0.817. CV=0.111.
0.010	10	9	n=6.
	10	13	mean=10.3.
	10	10	std dev=1.37. CV=0.133.
0.020	20	23	n=6.
	20	22	mean=20.8.
	20	20	std dev=1.33. CV=0.064.
0.050	42	42	n=6.
	42	42	mean=42.5.
	42	45	std dev=1.22. CV=0.029.
0.10		84	n=3.
		80	mean=82.3.
		83	std dev=2.08. CV=0.025.

Table 2—Cd Standard Working Range

STD (µg/mL)	Study [Flame AAS Analysis]		Statistical analysis
	Absorbance reading at 228.8 nm		
Reagent blank	5	2	n=6.
	4	3	mean=3.50.
	4	3	std dev=1.05. CV=0.30.
0.020	20	23	n=6.
	20	22	mean=20.8.
	20	20	std dev=1.33.
0.050	42	42	n=6.
	42	42	mean=42.5.
	42	45	std dev=1.22. CV=0.029.
0.10		84	n=3.
		80	mean=82.3.
		83	std dev=2.08. CV=0.025.
0.20		161	n=3.
		161	mean=160.0.
		158	std dev=1.73. CV=0.011.
0.50		391	n=3.
		389	mean=391.0.
		393	std dev=2.00. CV=0.005.
1.00		760	n=3.
		748	mean=753.3.
		752	std dev=6.11. CV=0.008.

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STD (ng/mL)	Peak area readings x 10 ³ at 228.8 nm	Statistical analysis	STD (ng/mL)	Peak area readings x 10 ³ at 228.8 nm	Statistical analysis			
2.00	1416 1426 1401	n=3. mean=1414.3. std dev=12.6. CV=0.009.	5.0	247 265 268 275 259 279	n=6. mean=265.5. std dev=11.5. CV=0.044.			
Table 3—Cd Detection Limit Study [AAS-HGA Analysis]			10.0	495 520 523 513 516 533	n=6. mean=516.7. std dev=12.7. CV=0.025.			
Reagent blank	0 0 0 1 0 0	n=6. mean=0.167. std dev=0.41. CV=2.45.	20.0	950 953 951 958 949 890	n=6. mean=941.8. std dev=25.6. CV=0.027.			
0.1	8 6 5 7 13 7	n=6. mean=7.7. std dev=2.8. CV=0.366.	30.0	1269 1291 1303 1307 1295 1290	n=6. mean=1293. std dev=13.3. CV=0.010.			
0.2	11 13 11 12 12 12	n=6. mean=11.8. std dev=0.75. CV=0.064.	40.0	1505 1567 1535 1567 1566 1572	n=6. mean=1552. std dev=26.6. CV=0.017.			
0.5	28 33 26 28 28 30	n=6. mean=28.8. std dev=2.4. CV=0.083.	Table 5—Analytical Method Recovery [Flame AAS Analysis]					
1.0	52 55 56 58 54 54	n=6. mean=54.8. std dev=2.0. CV=0.037.	Test level	0.5x	1.0x	2.0x		
2.0	101 112 110 110 110 110	n=6. mean=108.8. std dev=3.9. CV=0.036.	µg taken	µg found	Percent rec.	µg taken	µg found	Percent rec.

Table 4—Cd Standard Working Range

STD (ng/mL)	Peak area readings x 10 ³ at 228.8 nm	Statistical analysis
0.2	11 13 11 12 12 12	n=6. mean=11.8. std dev=0.75. CV=0.064.
0.5	28 33 26 28 28 30	n=6. mean=28.8. std dev=2.4. CV=0.083.
1.0	52 55 56 58 54 54	n=6. mean=54.8. std dev=2.0. CV=0.037.
2.0	101 112 110 110 110 110	n=6. mean=108.8. std dev=3.9. CV=0.036.

Test level	0.5x			1.0x			2.0x		
µg taken	µg found	Percent rec.	µg taken	µg found	Percent rec.	µg taken	µg found	Percent rec.	
1.00	1.0715	107.2	2.00	2.0688	103.4	4.00	4.1504	103.8	
1.00	1.0842	108.4	2.00	2.0174	100.9	4.00	4.1108	102.8	
1.00	1.0842	108.4	2.00	2.0431	102.2	4.00	4.0581	101.5	
1.00	*1.0081	*100.8	2.00	2.0431	102.2	4.00	4.0844	102.1	
1.00	1.0715	107.2	2.00	2.0174	100.9	4.00	4.1504	103.8	
1.00	1.0842	108.4	2.00	2.0045	100.2	4.00	4.1899	104.7	
n=	5			6			6		
mean=	107.9			101.6			103.1		
std dev=	0.657			1.174			1.199		
CV ₁ =	0.006			0.011			0.012		
CV ₁ (pooled)=	0.010								

* Rejected as an outlier—this value did not pass the outlier T-test at the 99% confidence level.

Test level 0.1x

µg taken	µg found	Percent rec.
0.200	0.2509	125.5
0.200	0.2509	125.5
0.200	0.2761	138.1
0.200	0.2258	112.9
0.200	0.2258	112.9
0.200	0.1881	94.1
n=	6	
mean=	118.2	
std dev=	15.1	
CV ₁ =	0.128	

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Table 6—Analytical Method Recovery

[AAS-HGA analysis]

Test level ng taken	0.5x		1.0x		2.0x			
	ng found	Percent rec.	ng taken	ng found	Percent rec.	ng taken	ng found	Percent rec.
75	71.23	95.0	150	138.00	92.0	300	258.43	86.1
75	71.47	95.3	150	138.29	92.2	300	258.46	86.2
75	70.02	93.4	150	136.30	90.9	300	280.55	93.5
75	77.34	103.1	150	146.62	97.7	300	288.34	96.1
75	78.32	104.4	150	145.17	96.8	300	261.74	87.2
75	71.96	95.9	150	144.88	96.6	300	277.22	92.4

n= 6 6 6
 mean= 97.9 94.4 90.3
 std dev= 4.66 2.98 4.30
 CV₁= 0.048 0.032 0.048
 CV₁
 (pooled)=0.043

(6) Instrumental Parameters for Flame AAS Analysis Atomic Absorption Spectrophotometer (Perkin-Elmer Model 603)

Flame: Air/Acetylene—lean, blue
 Oxidant Flow: 55
 Fuel Flow: 32
 Wavelength: 228.8 nm
 Slit: 4 (0.7 nm)
 Range: UV
 Signal: Concentration (4 exp)
 Integration Time: 3 sec

(7) Instrumental Parameters for HGA Analysis Atomic Absorption Spectrophotometer (Perkin-Elmer Model 5100)

Signal Type: Zeeman AA
 Slitwidth: 0.7 nm
 Wavelength: 228.8 nm
 Measurement: Peak Area
 Integration Time: 6.0 sec
 BOC Time: 5 sec BOC=Background Offset
 Correction. Zeeman Graphite Furnace
 (Perkin-Elmer Model HGA-600)

Step	Ramp time (sec)	Hold time (sec)	Temp. (°C)	Argon flow (mL/min)	Read (sec)
1) Predry	5	10	90	300	
2) Dry	30	10	140	300	
3) Char	10	20	900	300	
4) Cool Down	1	8	30	300	
5) Atomize	0	5	1600	0	-1
6) Burnout	1	8	2500	300	

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

NEW SECTION

WAC 296-62-07451 A short description of Appendix F to 29 CFR 1910.1027—Nonmandatory protocol for biological monitoring. Appendix F is not included in this standard due to limited employer/employee application. The

following is a brief synopsis of the content of Appendix F to 29 CFR 1910.1027, Cadmium.

(1) The medical monitoring program for cadmium requires that blood and urine samples must be collected at defined intervals from workers by physicians responsible for medical monitoring. These samples are sent to commercial laboratories that perform the required analyses and report results of these analyses to the responsible physicians. To ensure the accuracy and reliability of these laboratory analyses, the laboratories to which samples are submitted should participate in an ongoing and efficacious proficiency testing program.

(2) This nonmandatory protocol is intended to provide guidelines and recommendations for physicians and laboratories to improve the accuracy and reliability of the procedures used to analyze the biological samples collected as part of the medical monitoring program for cadmium. This protocol provides procedures for characterizing and maintaining the quality of analytic results derived from the analyses of cadmium in blood (CDB), cadmium in urine (CDU), and beta-2-microglobulin in urine (B2MU) by commercial laboratories. Laboratories conforming to the provisions of this nonmandatory protocol shall be known as "participating laboratories."

(3) This protocol describes procedures that may be used by the responsible physicians to identify laboratories most likely to be proficient in the analysis of samples used in the biological monitoring of cadmium. It also provides procedures for record keeping and reporting by laboratories participating in proficiency testing programs, and recommendations to assist these physicians in interpreting analytical results determined by participating laboratories.

(4) For those needing Appendix F, 29 CFR 1910.1027, in its entirety, a copy may be obtained by request to:

Department of Labor and Industries
 Division of Industrial Safety and Health
 Standards and Information
 Post Office Box 44620
 Olympia, Washington 98504-4620
 or telephone (206) 956-5527

NEW SECTION

WAC 296-155-174 Cadmium. (1) Scope. This standard applies to all occupational exposures to cadmium and cadmium compounds, in all forms, in all construction work where an employee may potentially be exposed to cadmium. Construction work is defined as work involving construction, alteration, and/or repair, including but not limited to the following:

- (a) Wrecking, demolition, or salvage of structures where cadmium or materials containing cadmium are present;
- (b) Use of cadmium containing-paints and cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints;
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof, that contain cadmium, or materials containing cadmium;
- (d) Cadmium welding; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys;
- (e) Installation of products containing cadmium;

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(f) Electrical grounding with cadmium-welding, or electrical work using cadmium-coated conduit;

(g) Maintaining or retrofitting cadmium-coated equipment;

(h) Cadmium contamination/emergency cleanup; and

(i) Transportation, disposal, storage, or containment of cadmium or materials containing cadmium on the site or location at which construction activities are performed.

(2) Definitions.

(a) Action level (AL) is defined as an airborne concentration of cadmium of 2.5 micrograms per cubic meter of air ($2.5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average (TWA).

(b) Authorized person means any person authorized by the employer and required by work duties to be present in regulated areas or any person authorized by WISHA or regulations issued under it to be in regulated areas.

(c) Competent person, in accordance with WAC 296-155-012(4), means a person designated by the employer to act on the employer's behalf who is capable of identifying existing and potential cadmium hazards in the workplace and the proper methods to control them in order to protect workers, and has the authority necessary to take prompt corrective measures to eliminate or control such hazards. The duties of a competent person include at least the following: Determining prior to the performance of work whether cadmium is present in the workplace; establishing, where necessary, regulated areas and assuring that access to and from those areas is limited to authorized employees; assuring the adequacy of any employee exposure monitoring required by this standard; assuring that all employees exposed to air cadmium levels above the PEL wear appropriate personal protective equipment and are trained in the use of appropriate methods of exposure control; assuring that proper hygiene facilities are provided and that workers are trained to use those facilities; and assuring that the engineering controls required by this standard are implemented, maintained in proper operating condition, and functioning properly.

(d) Director means the director of the department of labor and industries or authorized representative.

(e) Employee exposure and similar language referring to the air cadmium level to which an employee is exposed means the exposure to airborne cadmium that would occur if the employee were not using respiratory protective equipment.

(f) Final medical determination is the written medical opinion of the employee's health status by the examining physician under subsection (12)(c) through (l) of this section or, if multiple physician review under subsection (12)(m) of this section or the alternative physician determination under subsection (12)(n) of this section is invoked, it is the final, written medical finding, recommendation or determination that emerges from that process.

(g) High-efficiency particulate absolute (HEPA) air filter means a filter capable of trapping and retaining at least 99.97 percent of mono-dispersed particles of 0.3 micrometers in diameter.

(h) Regulated area means an area demarcated by the employer where an employee's exposure to airborne concentrations of cadmium exceeds, or can reasonably be expected to exceed the permissible exposure limit (PEL).

(i) This section means this cadmium standard.

(3) Permissible exposure limit (PEL). The employer shall assure that no employee is exposed to an airborne concentration of cadmium in excess of five micrograms per cubic meter of air ($5 \mu\text{g}/\text{m}^3$), calculated as an 8-hour time-weighted average exposure (TWA).

(4) Exposure monitoring

(a) General.

(i) Prior to the performance of any construction work where employees may be potentially exposed to cadmium, the employer shall establish the applicability of this standard by determining whether cadmium is present in the workplace and whether there is the possibility that employee exposures will be at or above the action level. The employer shall designate a competent person who shall make this determination. Investigation and material testing techniques shall be used, as appropriate, in the determination. Investigation shall include a review of relevant plans, past reports, material safety data sheets, and other available records, and consultations with the property owner and discussions with appropriate individuals and agencies.

(ii) Where cadmium has been determined to be present in the workplace, and it has been determined that there is a possibility the employee's exposure will be at or above the action level, the competent person shall identify employees potentially exposed to cadmium at or above the action level.

(iii) Determinations of employee exposure shall be made from breathing-zone air samples that reflect the monitored employee's regular, daily 8-hour TWA exposure to cadmium.

(iv) Eight-hour TWA exposures shall be determined for each employee on the basis of one or more personal breathing-zone air samples reflecting full shift exposure on each shift, for each job classification, in each work area. Where several employees perform the same job tasks, in the same job classification, on the same shift, in the same work area, and the length, duration, and level of cadmium exposures are similar, an employer may sample a representative fraction of the employees instead of all employees in order to meet this requirement. In representative sampling, the employer shall sample the employee(s) expected to have the highest cadmium exposures.

(b) Specific.

(i) Initial monitoring. Except as provided for in (b)(iii) of this subsection, where a determination conducted under (a)(i) of this subsection shows the possibility of employee exposure to cadmium at or above the action level, the employer shall conduct exposure monitoring as soon as practicable that is representative of the exposure for each employee in the workplace who is or may be exposed to cadmium at or above the action level.

(ii) In addition, if the employee periodically performs tasks that may expose the employee to a higher concentration of airborne cadmium, the employee shall be monitored while performing those tasks.

(iii) Where the employer has objective data, as defined in subsection (14)(b) of this section, demonstrating that employee exposure to cadmium will not exceed airborne concentrations at or above the action level under the expected conditions of processing, use, or handling, the employer may rely upon such data instead of implementing initial monitoring.

(iv) Where a determination conducted under (a) or (b) of this subsection is made that a potentially exposed employee is not exposed to airborne concentrations of cadmium at or above the action level, the employer shall make a written record of such determination. The record shall include at least the monitoring data developed under (b)(i) through (iii) of this subsection, where applicable, and shall also include the date of determination, and the name and Social Security number of each employee.

(c) Monitoring frequency (periodic monitoring).

(i) If the initial monitoring or periodic monitoring reveals employee exposures to be at or above the action level, the employer shall monitor at a frequency and pattern needed to assure that the monitoring results reflect with reasonable accuracy the employee's typical exposure levels, given the variability in the tasks performed, work practices, and environmental conditions on the job site, and to assure the adequacy of respiratory selection and the effectiveness of engineering and work practice controls.

(ii) If the initial monitoring or the periodic monitoring indicates that employee exposures are below the action level and that result is confirmed by the results of another monitoring taken at least seven days later, the employer may discontinue the monitoring for those employees whose exposures are represented by such monitoring.

(d) Additional monitoring. The employer also shall institute the exposure monitoring required under (b)(i) and (c) of this subsection whenever there has been a change in the raw materials, equipment, personnel, work practices, or finished products that may result in additional employees being exposed to cadmium at or above the action level or in employees already exposed to cadmium at or above the action level being exposed above the PEL, or whenever the employer or competent person has any reason to suspect that any other change might result in such further exposure.

(e) Employee notification of monitoring results.

(i) No later than five working days after the receipt of the results of any monitoring performed under this section, the employer shall notify each affected employee individually in writing of the results. In addition, within the same time period, the employer shall post the results of the exposure monitoring in an appropriate location that is accessible to all affected employees.

(ii) Wherever monitoring results indicate that employee exposure exceeds the PEL, the employer shall include in the written notice a statement that the PEL has been exceeded and a description of the corrective action being taken by the employer to reduce employee exposure to or below the PEL.

(f) Accuracy of measurement. The employer shall use a method of monitoring and analysis that has an accuracy of not less than plus or minus 25 percent ($\pm 25\%$), with a confidence level of 95 percent, for airborne concentrations of cadmium at or above the action level and the permissible exposure limit.

(5) Regulated areas.

(a) Establishment. The employer shall establish a regulated area wherever an employee's exposure to airborne concentrations of cadmium is, or can reasonably be expected to be in excess of the permissible exposure limit (PEL).

(b) Demarcation. Regulated areas shall be demarcated from the rest of the workplace in any manner that adequately establishes and alerts employees of the boundaries of the

regulated area, including employees who are or may be incidentally in the regulated areas, and that protects persons outside the area from exposure to airborne concentrations of cadmium in excess of the PEL.

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

(d) Provision of respirators. Each person entering a regulated area shall be supplied with and required to use a respirator, selected in accordance with subsection (7)(b) of this section.

(e) Prohibited activities. The employer shall assure that employees do not eat, drink, smoke, chew tobacco or gum, or apply cosmetics in regulated areas, or carry the products associated with any of these activities into regulated areas or store such products in those areas.

(6) Methods of compliance.

(a) Compliance hierarchy.

(i) Except as specified in (a)(ii) of this subsection, the employer shall implement engineering and work practice controls to reduce and maintain employee exposure to cadmium at or below the PEL, except to the extent that the employer can demonstrate that such controls are not feasible.

(ii) The requirement to implement engineering controls to achieve the PEL does not apply where the employer demonstrates the following:

(A) The employee is only intermittently exposed; and

(B) The employee is not exposed above the PEL on 30 or more days per year (12 consecutive months).

(iii) Wherever engineering and work practice controls are not sufficient to reduce employee exposure to or below the PEL, the employer nonetheless shall implement such controls to reduce exposures to the lowest levels achievable. The employer shall supplement such controls with respiratory protection that complies with the requirements of subsection (7) of this section and the PEL.

(iv) The employer shall not use employee rotation as a method of compliance.

(b) Specific operations.

(i) Abrasive blasting. Abrasive blasting on cadmium or cadmium-containing materials shall be conducted in a manner that will provide adequate protection.

(ii) Heating cadmium and cadmium-containing materials. Welding, cutting, and other forms of heating of cadmium or cadmium-containing materials shall be conducted in accordance with the requirements of WAC 296-155-415 and 296-155-420, where applicable.

(c) Prohibitions.

(i) High speed abrasive disc saws and similar abrasive power equipment shall not be used for work on cadmium or cadmium-containing materials unless they are equipped with appropriate engineering controls to minimize emissions, if the exposure levels are above the PEL.

(ii) Materials containing cadmium shall not be applied by spray methods, if exposures are above the PEL, unless employees are protected with supplied-air respirators with full facepiece, hood, helmet, suit, operated in positive pressure mode and measures are instituted to limit overspray and prevent contamination of adjacent areas.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements that demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct

velocity, or static pressure shall be made as necessary to maintain its effectiveness.

(ii) Measurements of the system's effectiveness in controlling exposure shall be made as necessary within five working days of any change in production, process, or control that might result in a significant increase in employee exposure to cadmium.

(iii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the system shall have a high efficiency filter and be monitored to assure effectiveness.

(iv) Procedures shall be developed and implemented to minimize employee exposure to cadmium when maintenance of ventilation systems and changing of filters is being conducted.

(e) Compliance program.

(i) Where the PEL is exceeded, the employer shall establish and implement a written compliance program to reduce employee exposure to or below the PEL by means of engineering and work practice controls, as required by (a) of this subsection. To the extent that engineering and work practice controls cannot reduce exposures to or below the PEL, the employer shall include in the written compliance program the use of appropriate respiratory protection to achieve compliance with the PEL.

(ii) Written compliance programs shall be reviewed and updated as often and as promptly as necessary to reflect significant changes in the employer's compliance status or significant changes in the lowest air cadmium level that is technologically feasible.

(iii) A competent person shall review the comprehensive compliance program initially and after each change.

(iv) Written compliance programs shall be provided upon request for examination and copying to the director, or authorized representatives, affected employees, and designated employee representatives.

(7) Respirator protection.

(a) General. Where respirators are required by this section, the employer shall provide them at no cost to the employee and shall assure that they are used in compliance with the requirements of this section. Respirators shall be used in the following circumstances:

(i) Where exposure levels exceed the PEL, during the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In those maintenance and repair activities and during those brief or intermittent operations where exposures exceed the PEL and engineering and work practice controls are not feasible, or are not required;

(iii) In regulated areas, as prescribed in subsection (5) of this section;

(iv) Where the employer has implemented all feasible engineering and work practice controls and such controls are not sufficient to reduce exposures to or below the PEL;

(v) In emergencies;

(vi) Wherever an employee who is exposed to cadmium at or above the action level requests a respirator; and

(vii) Wherever an employee is exposed to cadmium above the PEL and engineering controls are not required under (a)(ii) of this subsection.

(b) Respirator selection.

(i) Where respirators are required under this section, the employer shall select and provide the appropriate respirator as specified in Table 1. The employer shall select respirators from among those jointly approved as acceptable protection against cadmium dust, fume, and mist 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.

Table 1
Respiratory Protection for Cadmium

Airborne concentration or condition of use ^a	Required respirator type ^b
10 x or less	A half-mask, air-purifying respirator equipped with a HEPA ^c filter. ^d
25 x or less	A powered air-purifying respirator ("PAPR" with a loose-fitting hood or helmet equipped with a HEPA filter, or a supplied-air respirator with a loose-fitting hood or helmet facepiece operated in the continuous flow mode.
50 x or less	A full facepiece air-purifying respirator equipped with a HEPA filter, or a powered air-purifying respirator with a tight-fitting half-mask equipped with a HEPA filter, or a supplied air respirator with a tight-fitting half-mask operated in the continuous flow mode.
250 x or less	A powered air-purifying respirator with a tight-fitting full facepiece equipped with a HEPA filter, or a supplied-air respirator with a tight-fitting full facepiece operated in the continuous flow mode.
1000 x or less	A supplied-air respirator with half-mask or full facepiece operated in the pressure demand or other positive pressure mode.
>1000 x or unknown concentrations	A self-contained breathing apparatus with unknown concentrations a full facepiece operated in the pressure demand or other positive pressure mode, or a supplied-air respirator with a full facepiece operated in the pressure demand or other positive pressure mode and equipped with an auxiliary escape type self-contained breathing apparatus operated in the pressure demand mode.

PERMANENT

Fire fighting A self-contained breathing apparatus with full facepiece operated in the pressure demand or other positive pressure mode.

- Note: ^a Concentrations expressed as multiple of the PEL.
^b Respirators assigned for higher environmental concentrations may be used at lower exposure levels. Quantitative fit testing is required for all tight-fitting air purifying respirators where airborne concentration of cadmium exceeds 10 times the TWA PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$). A full facepiece respirator is required when eye irritation is experienced.
^c HEPA means High Efficiency Particulate Absolute.
^d Fit testing, qualitative or quantitative, is required.
 Source: Respiratory Decision Logic, NIOSH, 1987.

(ii) The employer shall provide a powered, air-purifying respirator (PAPR) in lieu of a negative pressure respirator wherever:

(A) An employee entitled to a respirator chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(c) Respirator program.

(i) Where respiratory protection is required, the employer shall institute a respirator protection program in accordance with chapter 296-62 WAC, Part E.

(ii) The employer shall permit each employee who is required to use an air purifying respirator to leave the regulated area to change the filter elements or replace the respirator whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) The employer shall also permit each employee who is required to wear a respirator to leave the regulated area to wash his or her face and the respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(iv) If an employee exhibits difficulty in breathing while wearing a respirator during a fit test or during use, the employer shall make available to the employee a medical examination in accordance with subsection (12)(f)(ii) of this section to determine if the employee can wear a respirator while performing the required duties.

(v) No employee shall be assigned a task requiring the use of a respirator if, based upon his or her most recent examination, an examining physician determines that the employee will be unable to continue to function normally while wearing a respirator. If the physician determines the employee must be limited in, or removed from his or her current job because of the employee's inability to wear a respirator, the limitation or removal shall be in accordance with subsection (12)(k) and (l) of this section.

(d) Respirator fit testing.

(i) The employer shall assure that the respirator issued to the employee is fitted properly and exhibits the least possible facepiece leakage.

(ii) For each employee wearing a tight-fitting, air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that do not exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform either quantitative or qualitative fit testing at the time of initial fitting and at least annually thereafter. If quantitative fit testing is used for a negative

pressure respirator, a fit factor that is at least 10 times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved at testing.

(iii) For each employee wearing a tight-fitting air purifying respirator (either negative or positive pressure) who is exposed to airborne concentrations of cadmium that exceed 10 times the PEL ($10 \times 5 \mu\text{g}/\text{m}^3 = 50 \mu\text{g}/\text{m}^3$), the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. For negative-pressure respirators, a fit factor that is at least ten times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved during quantitative fit testing.

(iv) For each employee wearing a tight-fitting, supplied-air respirator or self-contained breathing apparatus, the employer shall perform quantitative fit testing at the time of initial fitting and at least annually thereafter. This shall be accomplished by fit testing an air purifying respirator of identical type facepiece, make, model, and size as the supplied air respirator or self-contained breathing apparatus that is equipped with HEPA filters and tested as a surrogate (substitute) in the negative pressure mode. A fit factor that is at least 10 times the protection factor for that class of respirators (Table 1 in (b)(i) of this subsection) shall be achieved during quantitative fit testing. A supplied-air respirator or self-contained breathing apparatus with the same type facepiece, make, model, and size as the air purifying respirator with which the employee passed the quantitative fit test may then be used by that employee up to the protection factor listed in Table 1 in (b)(i) of this subsection for that class of respirators.

(v) Fit testing shall be conducted in accordance with WAC 296-62-07445. Appendix C.

(8) Emergency situations. The employer shall develop and implement a written plan for dealing with emergency situations involving substantial releases of airborne cadmium. The plan shall include provisions for the use of appropriate respirators and personal protective equipment. In addition, employees not essential to correcting the emergency situation shall be restricted from the area and normal operations halted in that area until the emergency is abated.

(9) Protective work clothing and equipment

(a) Provision and use. If an employee is exposed to airborne cadmium above the PEL or where skin or eye irritation is associated with cadmium exposure at any level, the employer shall provide at no cost to the employee, and assure that the employee uses, appropriate protective work clothing and equipment that prevents contamination of the employee and the employee's garments. Protective work clothing and equipment includes, but is not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, head coverings, and boots or foot coverings; and

(iii) Face shields, vented goggles, or other appropriate protective equipment that complies with WAC 296-155-215.

(b) Removal and storage.

(i) The employer shall assure that employees remove all protective clothing and equipment contaminated with cadmium at the completion of the work shift and do so only in change rooms provided in accordance with subsection (10)(a) of this section.

(ii) The employer shall assure that no employee takes cadmium-contaminated protective clothing or equipment from the workplace, except for employees authorized to do so for purposes of laundering, cleaning, maintaining, or disposing of cadmium-contaminated protective clothing and equipment at an appropriate location or facility away from the workplace.

(iii) The employer shall assure that contaminated protective clothing and equipment, when removed for laundering, cleaning, maintenance, or disposal, is placed and stored in sealed, impermeable bags or other closed, impermeable containers that are designed to prevent dispersion of cadmium dust.

(iv) The employer shall assure that containers of contaminated protective clothing and equipment that are to be taken out of the change rooms or the workplace for laundering, cleaning, maintenance or disposal shall bear labels in accordance with subsection (13)(b) of this section.

(c) Cleaning, replacement, and disposal.

(i) The employer shall provide the protective clothing and equipment required by (a) of this subsection in a clean and dry condition as often as necessary to maintain its effectiveness, but in any event at least weekly. The employer is responsible for cleaning and laundering the protective clothing and equipment required by this subsection to maintain its effectiveness and is also responsible for disposing of such clothing and equipment.

(ii) The employer also is responsible for repairing or replacing required protective clothing and equipment as needed to maintain its effectiveness. When rips or tears are detected while an employee is working they shall be immediately mended, or the worksuit shall be immediately replaced.

(iii) The employer shall prohibit the removal of cadmium from protective clothing and equipment by blowing, shaking, or any other means that disperses cadmium into the air.

(iv) The employer shall assure that any laundering of contaminated clothing or cleaning of contaminated equipment in the workplace is done in a manner that prevents the release of airborne cadmium in excess of the permissible exposure limit prescribed in subsection (3) of this section.

(v) The employer shall inform any person who launders or cleans protective clothing or equipment contaminated with cadmium of the potentially harmful effects of exposure to cadmium, and that the clothing and equipment should be laundered or cleaned in a manner to effectively prevent the release of airborne cadmium in excess of the PEL.

(10) Hygiene areas and practices.

(a) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-155-140.

(b) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(c) Showers and handwashing facilities.

(i) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL shower during the end of the work shift.

(ii) The employer shall assure that employees who are exposed to cadmium above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(d) Lunchroom facilities.

(i) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 $\mu\text{g}/\text{m}^3$.

(ii) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

(11) Housekeeping.

(a) All surfaces shall be maintained as free as practicable of accumulations of cadmium.

(b) All spills and sudden releases of material containing cadmium shall be cleaned up as soon as possible.

(c) Surfaces contaminated with cadmium shall, wherever possible, be cleaned by vacuuming or other methods that minimize the likelihood of cadmium becoming airborne.

(d) HEPA-filtered vacuuming equipment or equally effective filtration methods shall be used for vacuuming. The equipment shall be used and emptied in a manner that minimizes the reentry of cadmium into the workplace.

(e) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other methods that minimize the likelihood of cadmium becoming airborne have been tried and found not to be effective.

(f) Compressed air shall not be used to remove cadmium from any surface unless the compressed air is used in conjunction with a ventilation system designed to capture the dust cloud created by the compressed air.

(g) Waste, scrap, debris, bags, containers, personal protective equipment, and clothing contaminated with cadmium and consigned for disposal shall be collected and disposed of in sealed impermeable bags or other closed, impermeable containers. These bags and containers shall be labeled in accordance with subsection (13)(b) of this section.

(12) Medical surveillance.

(a) General.

(i) Scope.

(A) Currently exposed—The employer shall institute a medical surveillance program for all employees who are or may be exposed at or above the action level and all employees who perform the following tasks, operations, or jobs: Electrical grounding with cadmium-welding; cutting, brazing, burning, grinding, or welding on surfaces that were painted with cadmium-containing paints; electrical work using cadmium-coated conduit; use of cadmium containing paints; cutting and welding cadmium-plated steel; brazing or welding with cadmium alloys; fusing of reinforcing steel by cadmium welding; maintaining or retrofitting cadmium-coated equipment; and, wrecking and demolition where cadmium is present. A medical surveillance program will not be required if the employer demonstrates that the employee:

(I) Is not currently exposed by the employer to airborne concentrations of cadmium at or above the action level on 30 or more days per year (twelve consecutive months); and

(II) Is not currently exposed by the employer in those tasks on 30 or more days per year (twelve consecutive months).

(B) Previously exposed—The employer shall also institute a medical surveillance program for all employees who might previously have been exposed to cadmium by the employer prior to the effective date of this section in tasks specified under (a)(i)(A) of this subsection, unless the employer demonstrates that the employee did not in the years prior to the effective date of this section work in those tasks for the employer with exposure to cadmium for an aggregated total of more than 12 months.

(ii) To determine an employee's fitness for using a respirator, the employer shall provide the limited medical examination specified in (f) of this subsection.

(iii) The employer shall assure that all medical examinations and procedures required by this section are performed by or under the supervision of a licensed physician, who has read and is familiar with the health effects WAC 296-62-07441, Appendix A, the regulatory text of this section, the protocol for sample handling and lab selection in WAC 296-62-07451, Appendix F, and the questionnaire of WAC 296-62-07447, Appendix D.

(iv) The employer shall provide the medical surveillance required by this section, including multiple physician review under (m) of this subsection without cost to employees, and at a time and place that is reasonable and convenient to employees.

(v) The employer shall assure that the collecting and handling of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is done in a manner that assures their reliability and that analysis of biological samples of cadmium in urine (CdU), cadmium in blood (CdB), and beta-2 microglobulin in urine (B₂-M) taken from employees under this section is performed in laboratories with demonstrated proficiency to perform the particular analysis. (See WAC 296-62-07451, Appendix F.)

(b) Initial examination.

(i) For employees covered by medical surveillance under (a)(i) of this subsection, the employer shall provide an initial medical examination. The examination shall be provided to those employees within 30 days after initial assignment to a job with exposure to cadmium or no later than 90 days after the effective date of this section, whichever date is later.

(ii) The initial medical examination shall include:

(A) A detailed medical and work history, with emphasis on: Past, present, and anticipated future exposure to cadmium; any history of renal, cardiovascular, respiratory, hematopoietic, reproductive, and/or musculo-skeletal system dysfunction; current usage of medication with potential nephrotoxic side-effects; and smoking history and current status; and

(B) Biological monitoring that includes the following tests:

(I) Cadmium in urine (CdU), standardized to grams of creatinine (g/Cr);

(II) Beta-2 microglobulin in urine (B₂-M), standardized to grams of creatinine (g/Cr), with pH specified, as described in WAC 296-62-07451, Appendix F; and

(III) Cadmium in blood (CdB), standardized to liters of whole blood (lwb).

(iii) Recent examination: An initial examination is not required to be provided if adequate records show that the employee has been examined in accordance with the requirements of (b)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained as part of the employee's medical record and the prior exam shall be treated as if it were an initial examination for the purposes of (c) and (d) of this subsection.

(c) Actions triggered by initial biological monitoring.

(i) If the results of the biological monitoring tests in the initial examination show the employee's CdU level to be at or below 3 µg/g Cr, B₂-M level to be at or below 300 µg/g Cr and CdB level to be at or below 5 µg/lwb, then:

(A) For employees who are subject to medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide the minimum level of periodic medical surveillance in accordance with the requirements in (d)(i) of this subsection; and

(B) For employees who are subject to medical surveillance under (a)(i)(B) of this subsection because of prior but not current exposure, the employer shall provide biological monitoring for CdU, B₂-M, and CdB within one year after the initial biological monitoring and then the employer shall comply with the requirements of (d)(vi) of this subsection.

(ii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to exceed 3 µg/g Cr, the level of B₂-M to be in excess of 300 µg/g Cr, or the level of CdB to be in excess of 5 µg/lwb, the employer shall:

(A) Within two weeks after receipt of biological monitoring results, reassess the employee's occupational exposure to cadmium as follows:

(I) Reassess the employee's work practices and personal hygiene;

(II) Reevaluate the employee's respirator use, if any, and the respirator program;

(III) Review the hygiene facilities;

(IV) Reevaluate the maintenance and effectiveness of the relevant engineering controls;

(V) Assess the employee's smoking history and status;

(B) Within 30 days after the exposure reassessment, specified in (c)(ii)(A) of this subsection, take reasonable steps to correct any deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium; and

(C) Within 90 days after receipt of biological monitoring results, provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. If the physician determines that medical removal is not necessary, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(I) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a semiannual basis; and

(II) Provide annual medical examinations in accordance with (d)(ii) of this subsection.

(iii) For all employees who are subject to medical surveillance under (a)(i) of this subsection, if the results of the initial biological monitoring tests show the level of CdU to be in excess of 15 µg/g Cr, or the level of CdB to be in excess of 15 µg/lwb, or the level of B₂-M to be in excess of 1,500 µg/g Cr, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 15 µg/g Cr; or CdB exceeds 15 µg/lwb; or B₂-M exceeds 1500 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(iv) For all employees to whom medical surveillance is provided, beginning on January 1, 1999, and in lieu of (c)(iii) of this subsection, whenever the results of initial biological monitoring tests show the employee's CdU level to be in excess of 7 µg/g Cr, or B₂-M level to be in excess of 750 µg/g Cr, or CdB level to be in excess of 10 µg/lwb, the employer shall comply with the requirements of (c)(ii)(A) and (B) of this subsection. Within 90 days after receipt of biological monitoring results, the employer shall provide a full medical examination to the employee in accordance with the requirements of (d)(ii) of this subsection. After completing the medical examination, the examining physician shall determine in a written medical opinion whether to medically remove the employee. However, if the initial biological monitoring results and the biological monitoring results obtained during the medical examination both show that: CdU exceeds 7 µg/g Cr; or CdB exceeds 10 µg/lwb; or B₂-M exceeds 750 µg/g Cr, and in addition CdU exceeds 3 µg/g Cr or CdB exceeds 5 µg/liter of whole blood, then the physician shall medically remove the employee from exposure to cadmium at or above the action level. If the second set of biological monitoring results obtained during the medical examination does not show that a mandatory removal trigger level has been exceeded, then the employee is not required to be removed by the mandatory provisions of this section. If the employee is not required to

be removed by the mandatory provisions of this section or by the physician's determination, then until the employee's CdU level falls to or below 3 µg/g Cr, B₂-M level falls to or below 300 µg/g Cr and CdB level falls to or below 5 µg/lwb, the employer shall:

(A) Periodically reassess the employee's occupational exposure to cadmium;

(B) Provide biological monitoring in accordance with (b)(ii)(B) of this subsection on a quarterly basis; and

(C) Provide semiannual medical examinations in accordance with (d)(ii) of this subsection.

(d) Periodic medical surveillance.

(i) For each employee who is covered by medical surveillance under (a)(i)(A) of this subsection because of current or anticipated exposure to cadmium, the employer shall provide at least the minimum level of periodic medical surveillance, which consists of periodic medical examinations and periodic biological monitoring. A periodic medical examination shall be provided within one year after the initial examination required by (b) of this subsection and thereafter at least biennially. Biological sampling shall be provided at least annually either as part of a periodic medical examination or separately as periodic biological monitoring.

(ii) The periodic medical examination shall include:

(A) A detailed medical and work history, or update thereof, with emphasis on: Past, present, and anticipated future exposure to cadmium; smoking history and current status; reproductive history; current use of medications with potential nephrotoxic side-effects; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculo-skeletal system dysfunction; and as part of the medical and work history, for employees who wear respirators, questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A complete physical examination with emphasis on: Blood pressure, the respiratory system, and the urinary system;

(C) A 14 inch by 17 inch, or a reasonably standard sized posterior-anterior chest x-ray (after the initial x-ray, the frequency of chest x-rays is to be determined by the examining physician);

(D) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV1);

(E) Biological monitoring, as required in (b)(ii)(B) of this subsection;

(F) Blood analysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including blood urea nitrogen, complete blood count, and serum creatinine;

(G) Urinalysis, in addition to the analysis required under (b)(ii)(B) of this subsection, including the determination of albumin, glucose, and total and low molecular weight proteins;

(H) For males over 40 years old, prostate palpation, or other at least as effective diagnostic test(s); and

(I) Any additional tests or procedures deemed appropriate by the examining physician.

(iii) Periodic biological monitoring shall be provided in accordance with (b)(ii)(B) of this subsection.

(iv) If the results of periodic biological monitoring or the results of biological monitoring performed as part of the periodic medical examination show the level of the

employee's CdU, B₂-M, or CdB to be in excess of the levels specified in (c)(iii) of this subsection; or, beginning on January 1, 1999, in excess of the levels specified in (c)(iv) of this subsection, the employer shall take the appropriate actions specified in (c)(iii) and (iv) of this subsection, respectively.

(v) For previously exposed employees under (a)(i)(B) of this subsection:

(A) If the employee's levels of CdU did not exceed 3 µg/g Cr, CdB did not exceed 5 µg/lwb, and B₂-M did not exceed 300 µg/g Cr in the initial biological monitoring tests, and if the results of the follow-up biological monitoring required by (c)(i)(B) of this subsection within one year after the initial examination confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(B) If the initial biological monitoring results for CdU, CdB, or B₂-M were in excess of the levels specified in (c)(i) of this subsection, but subsequent biological monitoring results required by (c)(ii) through (iv) of this subsection show that the employee's CdU levels no longer exceed 3 µg/g Cr, CdB levels no longer exceed 5 µg/lwb, and B₂-M levels no longer exceed 300 µg/g Cr, the employer shall provide biological monitoring for CdU, CdB, and B₂-M within one year after these most recent biological monitoring results. If the results of the follow-up biological monitoring within one year, specified in this section, confirm the previous results, the employer may discontinue all periodic medical surveillance for that employee.

(C) However, if the results of the follow-up tests specified in (d)(v)(A) or (B) of this subsection indicate that the level of the employee's CdU, B₂-M, or CdB exceeds these same levels, the employer is required to provide annual medical examinations in accordance with the provisions of (d)(ii) of this subsection until the results of biological monitoring are consistently below these levels or the examining physician determines in a written medical opinion that further medical surveillance is not required to protect the employee's health.

(vi) A routine, biennial medical examination is not required to be provided in accordance with (c)(i) and (d) of this subsection if adequate medical records show that the employee has been examined in accordance with the requirements of (d)(ii) of this subsection within the past 12 months. In that case, such records shall be maintained by the employer as part of the employee's medical record, and the next routine, periodic medical examination shall be made available to the employee within two years of the previous examination.

(e) Actions triggered by medical examinations. If the results of a medical examination carried out in accordance with this section indicate any laboratory or clinical finding consistent with cadmium toxicity that does not require employer action under (b), (c), or (d) of this subsection, the employer shall take the following steps and continue to take them until the physician determines that they are no longer necessary.

(i) Periodically reassess: The employee's work practices and personal hygiene; the employee's respirator use, if any; the employee's smoking history and status; the respiratory protection program; the hygiene facilities; the maintenance and effectiveness of the relevant engineering controls; and

take all reasonable steps to correct the deficiencies found in the reassessment that may be responsible for the employee's excess exposure to cadmium.

(ii) Provide semiannual medical reexaminations to evaluate the abnormal clinical sign(s) of cadmium toxicity until the results are normal or the employee is medically removed; and

(iii) Where the results of tests for total proteins in urine are abnormal, provide a more detailed medical evaluation of the toxic effects of cadmium on the employee's renal system.

(f) Examination for respirator use.

(i) To determine an employee's fitness for respirator use, the employer shall provide a medical examination that includes the elements specified in (f)(i)(A) through (D) of this subsection. This examination shall be provided prior to the employee's being assigned to a job that requires the use of a respirator or no later than 90 days after this section goes into effect, whichever date is later, to any employee without a medical examination within the preceding 12 months that satisfies the requirements of this section.

(A) A detailed medical and work history, or update thereof, with emphasis on: Past exposure to cadmium; smoking history and current status; any history of renal, cardiovascular, respiratory, hematopoietic, and/or musculo-skeletal system dysfunction; a description of the job for which the respirator is required; and questions 3 through 11 and 25 through 32 in WAC 296-62-07447, Appendix D;

(B) A blood pressure test;

(C) Biological monitoring of the employee's levels of CdU, CdB and B₂-M in accordance with the requirements of (b)(ii)(B) of this subsection, unless such results already have been obtained within the twelve months; and

(D) Any other test or procedure that the examining physician deems appropriate.

(ii) After reviewing all the information obtained from the medical examination required in (f)(i) of this subsection, the physician shall determine whether the employee is fit to wear a respirator.

(iii) Whenever an employee has exhibited difficulty in breathing during a respirator fit test or during use of a respirator, the employer, as soon as possible, shall provide the employee with a periodic medical examination in accordance with (d)(ii) of this subsection to determine the employee's fitness to wear a respirator.

(iv) Where the results of the examination required under (f)(i) or (ii) of this subsection are abnormal, medical limitation or prohibition of respirator use shall be considered. If the employee is allowed to wear a respirator, the employee's ability to continue to do so shall be periodically evaluated by a physician.

(g) Emergency examinations.

(i) In addition to the medical surveillance required in (b) through (f) of this subsection, the employer shall provide a medical examination as soon as possible to any employee who may have been acutely exposed to cadmium because of an emergency.

(ii) The examination shall include the requirements of (d)(ii), of this subsection, with emphasis on the respiratory system, other organ systems considered appropriate by the examining physician, and symptoms of acute overexposure,

as identified in Appendix A, WAC 296-62-07441 (2)(b)(i) and (ii) and (4).

(h) Termination of employment examination.

(i) At termination of employment, the employer shall provide a medical examination in accordance with (d)(ii) of this subsection, including a chest x-ray where necessary, to any employee to whom at any prior time the employer was required to provide medical surveillance under (a)(i) or (g) of this subsection. However, if the last examination satisfied the requirements of (d)(ii) of this subsection and was less than six months prior to the date of termination, no further examination is required unless otherwise specified in (c) or (e) of this subsection;

(ii) In addition, if the employer has discontinued all periodic medical surveillance under (d)(vi) of this subsection, no termination of employment medical examination is required.

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

(i) A copy of this standard and appendices;

(ii) A description of the affected employee's former, current, and anticipated duties as they relate to the employee's occupational exposure to cadmium;

(iii) The employee's former, current, and anticipated future levels of occupational exposure to cadmium;

(iv) A description of any personal protective equipment, including respirators, used or to be used by the employee, including when and for how long the employee has used that equipment; and

(v) Relevant results of previous biological monitoring and medical examinations.

(j) Physician's written medical opinion.

(i) The employer shall promptly obtain a written, signed, medical opinion from the examining physician for each medical examination performed on each employee. This written opinion shall contain:

(A) The physician's diagnosis for the employee;

(B) The physician's opinion as to whether the employee has any detected medical condition(s) that would place the employee at increased risk of material impairment to health from further exposure to cadmium, including any indications of potential cadmium toxicity;

(C) The results of any biological or other testing or related evaluations that directly assess the employee's absorption of cadmium;

(D) Any recommended removal from, or limitation on the activities or duties of the employee or on the employee's use of personal protective equipment, such as respirators;

(E) A statement that the physician has clearly and carefully explained to the employee the results of the medical examination, including all biological monitoring results and any medical conditions related to cadmium exposure that require further evaluation or treatment, and any limitation on the employee's diet or use of medications.

(ii) The employer shall promptly obtain a copy of the results of any biological monitoring provided by an employer to an employee independently of a medical examination under (b) and (d) of this subsection, and, in lieu of a written medical opinion, an explanation sheet explaining those results.

(iii) The employer shall instruct the physician not to reveal orally or in the written medical opinion given to the employer specific findings or diagnoses unrelated to occupational exposure to cadmium.

(k) Medical removal protection (MRP).

(i) General.

(A) The employer shall temporarily remove an employee from work where there is excess exposure to cadmium on each occasion that medical removal is required under (c), (d), or (f) of this subsection and on each occasion that a physician determines in a written medical opinion that the employee should be removed from such exposure. The physician's determination may be based on biological monitoring results, inability to wear a respirator, evidence of illness, other signs or symptoms of cadmium-related dysfunction or disease, or any other reason deemed medically sufficient by the physician.

(B) The employer shall medically remove an employee in accordance with (k) of this subsection regardless of whether at the time of removal a job is available into which the removed employee may be transferred.

(C) Whenever an employee is medically removed under (k) of this subsection, the employer shall transfer the removed employee to a job where the exposure to cadmium is within the permissible levels specified in that paragraph as soon as one becomes available.

(D) For any employee who is medically removed under the provisions of (k)(i) of this subsection, the employer shall provide follow-up medical examinations semiannually until, in a written medical opinion, the examining physician determines that either the employee may be returned to his/her former job status or the employee must be permanently removed from excess cadmium exposure.

(E) The employer may not return an employee who has been medically removed for any reason to his/her former job status until a physician determines in a written medical opinion that continued medical removal is no longer necessary to protect the employee's health.

(ii) Where an employee is found unfit to wear a respirator under (f)(ii) of this subsection, the employer shall remove the employee from work where exposure to cadmium is above the PEL.

(iii) Where removal is based upon any reason other than the employee's inability to wear a respirator, the employer shall remove the employee from work where exposure to cadmium is at or above the action level.

(iv) Except as specified in (k)(v) of this subsection, no employee who was removed because his/her level of CdU, CdB and/or B₂-M exceeded the trigger levels in (c) or (d) of this subsection may be returned to work with exposure to cadmium at or above the action level until the employee's levels of CdU fall to or below 3 µg/g Cr, CdB fall to or below 5 µg/lwb, and B₂-M fall to or below 300 µg/g Cr.

(v) However, when in the examining physician's opinion continued exposure to cadmium will not pose an increased risk to the employee's health and there are special circumstances that make continued medical removal an inappropriate remedy, the physician shall fully discuss these matters with the employee, and then in a written determination may return a worker to his/her former job status despite what would otherwise be unacceptably high biological monitoring results. Thereafter and until such time as the

employee's biological monitoring results have decreased to levels where he/she could have been returned to his/her former job status, the returned employee shall continue medical surveillance as if he/she were still on medical removal. Until such time, the employee is no longer subject to mandatory medical removal. Subsequent questions regarding the employee's medical removal shall be decided solely by a final medical determination.

(vi) Where an employer, although not required by this section to do so, removes an employee from exposure to cadmium or otherwise places limitations on an employee due to the effects of cadmium exposure on the employee's medical condition, the employer shall provide the same medical removal protection benefits to that employee under (l) of this subsection as would have been provided had the removal been required under (k) of this subsection.

(l) Medical removal protection benefits.

(i) The employer shall provide medical removal protection benefits to an employee for up to a maximum of 18 months each time, and while the employee is temporarily medically removed under (k) of this subsection.

(ii) For purposes of this section, the requirement that the employer provide medical removal protection benefits means that the employer shall maintain the total normal earnings, seniority, and all other employee rights and benefits of the removed employee, including the employee's right to his/her former job status, as if the employee had not been removed from the employee's job or otherwise medically limited.

(iii) Where, after 18 months on medical removal because of elevated biological monitoring results, the employee's monitoring results have not declined to a low enough level to permit the employee to be returned to his/her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section in order to obtain a final medical determination as to whether the employee may be returned to his/her former job status or must be permanently removed from excess cadmium exposure; and

(B) The employer shall assure that the final medical determination indicates whether the employee may be returned to his/her former job status and what steps, if any, should be taken to protect the employee's health.

(iv) The employer may condition the provision of medical removal protection benefits upon the employee's participation in medical surveillance provided in accordance with this section.

(m) Multiple physician review.

(i) If the employer selects the initial physician to conduct any medical examination or consultation provided to an employee under this section, the employee may designate a second physician to:

(A) Review any findings, determinations, or recommendations of the initial physician; and

(B) Conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(ii) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician provided by the employer conducts a medical examination or consultation pursuant to this section. The employer may condition its participation

in, and payment for, multiple physician review upon the employee doing the following within fifteen (15) days after receipt of this notice, or receipt of the initial physician's written opinion, whichever is later:

(A) Informing the employer that he or she intends to seek a medical opinion; and

(B) Initiating steps to make an appointment with a second physician.

(iii) If the findings, determinations, or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(iv) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee, through their respective physicians, shall designate a third physician to:

(A) Review any findings, determinations, or recommendations of the other two physicians; and

(B) Conduct such examinations, consultations, laboratory tests, and discussions with the other two physicians as the third physician deems necessary to resolve the disagreement among them.

(v) The employer shall act consistently with the findings, determinations, and recommendations of the third physician, unless the employer and the employee reach an agreement that is consistent with the recommendations of at least one of the other two physicians.

(n) Alternate physician determination. The employer and an employee or designated employee representative may agree upon the use of any alternate form of physician determination in lieu of the multiple physician review provided by (m) of this subsection, so long as the alternative is expeditious and at least as protective of the employee.

(o) Information the employer must provide the employee.

(i) The employer shall provide a copy of the physician's written medical opinion to the examined employee within five working days after receipt thereof.

(ii) The employer shall provide the employee with a copy of the employee's biological monitoring results and an explanation sheet explaining the results within five working days after receipt thereof.

(iii) Within 30 days after a request by an employee, the employer shall provide the employee with the information the employer is required to provide the examining physician under (i) of this subsection.

(p) Reporting. In addition to other medical events that are required to be reported on the OSHA Form No. 200, the employer shall report any abnormal condition or disorder caused by occupational exposure to cadmium associated with employment as specified in Chapter (V)(E) of the Bureau of Labor Statistics Recordkeeping Guidelines for Occupational Injuries and Illnesses.

(13) Communication of cadmium hazards to employees

(a) General. In communications concerning cadmium hazards, employers shall comply with the requirements of WISHA's Hazard Communication Standard, chapter 296-62 WAC, Part C, including but not limited to the requirements concerning warning signs and labels, material safety data sheets (MSDS), and employee information and training. In

addition, employers shall comply with the following requirements:

(b) Warning signs.

(i) Warning signs shall be provided and displayed in regulated areas. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(ii) Warning signs required by (b)(i) of this subsection shall bear the following information:

Danger, Cadmium, Cancer Hazard, Can Cause Lung and Kidney Disease, Authorized Personnel Only, Respirators Required in This Area

(iii) The employer shall assure that signs required by this paragraph are illuminated, cleaned, and maintained as necessary so that the legend is readily visible.

(c) Warning labels.

(i) Shipping and storage containers containing cadmium, cadmium compounds, or cadmium contaminated clothing, equipment, waste, scrap, or debris shall bear appropriate warning labels, as specified in (c)(ii) of this subsection.

(ii) The warning labels shall include at least the following information:

Danger, Contains Cadmium, Cancer Hazard, Avoid Creating Dust, Can Cause Lung and Kidney Disease

(iii) Where feasible, installed cadmium products shall have a visible label or other indication that cadmium is present.

(d) Employee information and training.

(i) The employer shall institute a training program for all employees who are potentially exposed to cadmium, assure employee participation in the program, and maintain a record of the contents of such program.

(ii) Training shall be provided prior to or at the time of initial assignment to a job involving potential exposure to cadmium and at least annually thereafter.

(iii) The employer shall make the training program understandable to the employee and shall assure that each employee is informed of the following:

(A) The health hazards associated with cadmium exposure, with special attention to the information incorporated in WAC 296-62-07441, Appendix A;

(B) The quantity, location, manner of use, release, and storage of cadmium in the workplace and the specific nature of operations that could result in exposure to cadmium, especially exposures above the PEL;

(C) The engineering controls and work practices associated with the employee's job assignment;

(D) The measures employees can take to protect themselves from exposure to cadmium, including modification of such habits as smoking and personal hygiene, and specific procedures the employer has implemented to protect employees from exposure to cadmium such as appropriate work practices, emergency procedures, and the provision of personal protective equipment;

(E) The purpose, proper selection, fitting, proper use, and limitations of respirators and protective clothing;

(F) The purpose and a description of the medical surveillance program required by subsection (12) of this section;

(G) The contents of this section and its appendices; and
(H) The employee's rights of access to records under chapter 296-62 WAC, Part B.

(iv) Additional access to information and training program and materials.

(A) The employer shall make a copy of this section and its appendices readily available to all affected employees and shall provide a copy without cost if requested.

(B) Upon request, the employer shall provide to the director or authorized representative, all materials relating to the employee information and the training program.

(e) Multi-employer workplace. In a multi-employer workplace, an employer who produces, uses, or stores cadmium in a manner that may expose employees of other employers to cadmium shall notify those employers of the potential hazard in accordance with WAC 296-62-05409 of the hazard communication standard.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and keep an accurate record of all air monitoring for cadmium in the workplace.

(ii) This record shall include at least the following information:

(A) The monitoring date, shift, duration, air volume, and results in terms of an 8-hour TWA of each sample taken, and if cadmium is not detected, the detection level;

(B) The name, Social Security number, and job classification of all employees monitored and of all other employees whose exposures the monitoring result is intended to represent, including, where applicable, a description of how it was determined that the employee's monitoring result could be taken to represent other employee's exposures;

(C) A description of the sampling and analytical methods used and evidence of their accuracy;

(D) The type of respiratory protective device, if any, worn by the monitored employee and by any other employee whose exposure the monitoring result is intended to represent;

(E) A notation of any other conditions that might have affected the monitoring results;

(F) Any exposure monitoring or objective data that were used and the levels.

(iii) The employer shall maintain this record for at least thirty (30) years, in accordance with WAC 296-62-05207.

(iv) The employer shall also provide a copy of the results of an employee's air monitoring prescribed in subsection (4) of this section to an industry trade association and to the employee's union, if any, or, if either of such associations or unions do not exist, to another comparable organization that is competent to maintain such records and is reasonably accessible to employers and employees in the industry.

(b) Objective data for exemption from requirement for initial monitoring.

(i) For purposes of this section, objective data are information demonstrating that a particular product or material containing cadmium or a specific process, operation, or activity involving cadmium cannot release dust or fumes in concentrations at or above the action level even under the worst-case release conditions. Objective data can be obtained from an industry-wide study or from laboratory product test results from manufacturers of cadmium-con-

taining products or materials. The data the employer uses from an industry-wide survey must be obtained under workplace conditions closely resembling the processes, types of material, control methods, work practices, and environmental conditions in the employer's current operations.

(ii) The employer shall maintain the record for at least 30 years of the objective data relied upon.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee covered by medical surveillance under (a)(i) of this subsection.

(ii) The record shall include at least the following information about the employee:

(A) Name, Social Security number, and description of duties;

(B) A copy of the physician's written opinions and of the explanation sheets for biological monitoring results;

(C) A copy of the medical history, and the results of any physical examination and all test results that are required to be provided by this section, including biological tests, x-rays, pulmonary function tests, etc., or that have been obtained to further evaluate any condition that might be related to cadmium exposure;

(D) The employee's medical symptoms that might be related to exposure to cadmium; and

(E) A copy of the information provided to the physician as required by subsection (12)(i) of this section.

(iii) The employer shall assure that this record is maintained for the duration of employment plus thirty (30) years, in accordance with WAC 296-62-05207.

(iv) At the employee's request, the employer shall promptly provide a copy of the employee's medical record, or update as appropriate, to a medical doctor or a union specified by the employee.

(d) Training. The employer shall certify that employees have been trained by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training, and the date the training was completed. The certification records shall be prepared at the completion of training and shall be maintained on file for one (1) year beyond the date of training of that employee.

(e) Availability.

(i) Except as otherwise provided for in this section, access to all records required to be maintained by (a) through (d) of this subsection shall be in accordance with the provisions of WAC 296-62-052.

(ii) Within 15 days after a request, the employer shall make an employee's medical records required to be kept by (c) of this subsection available for examination and copying to the subject employee, to designated representatives, to anyone having the specific written consent of the subject employee, and after the employee's death or incapacitation, to the employee's family members.

(f) Transfer of records. Whenever an employer ceases to do business and there is no successor employer or designated organization to receive and retain records for the prescribed period, the employer shall comply with the requirements concerning transfer of records set forth in WAC 296-62-05215.

(15) 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 cadmium.

(b) Observation procedures. When observation of monitoring requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with that clothing and equipment and shall assure that the observer uses such clothing and equipment and complies with all other applicable safety and health procedures.

(16) Dates.

(a) Effective date. This section shall become effective on June 14, 1993.

(b) Start-up dates. All obligations of this section commence on the effective date except as follows:

(i) Exposure monitoring. Except for small businesses (nineteen or fewer employees), initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible and in any event no later than 60 days after the effective date of this section. For small businesses, initial monitoring required by subsection (4)(b) of this section shall be completed as soon as possible and in any event no later than 120 days after the effective date of this section.

(ii) The permissible exposure limit (PEL). Except for small businesses, as defined under (b)(i) of this subsection, the employer shall comply with the PEL established by subsection (3) of this section as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, the employer shall comply with the PEL established by subsection (3) of this section as soon as possible and in any event no later than 150 days after the effective date of this section.

(iii) Regulated areas. Except for small businesses, as defined under (b)(i) of this subsection, regulated areas required to be established by subsection (5) of this section shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than 90 days after the effective date of this section. For small businesses, regulated areas required to be established by subsection (5) of this section shall be set up as soon as possible after the results of exposure monitoring are known and in any event no later than 150 days after the effective date of this section.

(iv) Respiratory protection. Except for small businesses, as defined under (b)(i) of this subsection, respiratory protection required by subsection (7) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, respiratory protection required by subsection (7) of this section shall be provided as soon as possible and in any event no later than 150 days after the effective date of this section.

(v) Compliance program. Except for small businesses, as defined under (b)(i) of this subsection, written compliance programs required by subsection (6)(b) of this section shall be completed and available as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, written compliance programs required by subsection (6)(b) of this section shall be completed and available as soon as possible and in any event no later than 180 days after the effective date of this section.

(vi) Methods of compliance. Except for small businesses, as defined under (b)(i) of this subsection, the engineering controls required by subsection (6)(a) of this section shall be implemented as soon as possible and in any event no later than 120 days after the effective date of this section. For small businesses, the engineering controls required by subsection (6)(a) of this section shall be implemented as soon as possible and in any event no later than 240 days after the effective date of this section. Work practice controls shall be implemented as soon as possible. Work practice controls that are directly related to engineering controls to be implemented shall be implemented as soon as possible after such engineering controls are implemented.

(vii) Hygiene and lunchroom facilities. Except for small businesses, as defined under (b)(i) of this subsection, handwashing facilities, showers, change rooms and eating facilities required by subsection (10) of this section, whether permanent or temporary, shall be provided as soon as possible and in any event no later than 60 days after the effective date of this section. For small businesses, handwashing facilities, showers, change rooms and eating facilities required by subsection (10) of this section, whether permanent or temporary, shall be provided as soon as possible and in any event no later than 120 days after the effective date of this section.

(viii) Employee information and training. Except for small businesses, as defined under (b)(i) of this subsection, employee information and training required by subsection (13)(d) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, employee information and training required by subsection (13)(d) of this section shall be provided as soon as possible and in any event no later than 180 days after the effective date of this section.

(ix) Medical surveillance. Except for small businesses, as defined under (b)(i) of this subsection, initial medical examinations required by subsection (12) of this section shall be provided as soon as possible and in any event no later than 90 days after the effective date of this section. For small businesses, initial medical examinations required by subsection (12) of this section shall be provided as soon as possible and in any event no later than 180 days after the effective date of this section.

(17) Appendices.

(a) WAC 296-62-07445, Appendix C, is a part of this standard, and compliance with its contents is mandatory.

(b) Except where portions of WAC 296-62-07441, 296-62-07443, 296-62-07447, 296-62-07449, and 296-62-07451, Appendices A, B, D, E, and F, respectively, to this section are expressly incorporated in requirements of this section, these appendices are purely informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

NEW SECTION

WAC 296-306-01001 Cadmium. WAC 296-62-074 through 296-62-07451 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-306 WAC in lieu of any different standard on exposures to cadmium that would

otherwise be applicable by virtue of sections of chapter 296-306 WAC.

**WSR 93-07-061
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD**

[Resolution 93-8—Filed March 17, 1993, 8:45 a.m.]

Date of Adoption: March 11, 1993.

Purpose: This statement is written in compliance with section 2, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend or repeal rules by the Higher Education Coordinating Board.

Citation of Existing Rules Affected by this Order: Amending WAC 250-44-050, 250-44-110, and 250-44-130.

Statutory Authority for Adoption: RCW 28B.10.806.

Other Authority: Chapter 28B.04 RCW, as amended.

Pursuant to notice filed as WSR 93-01-099 on December 16, 1992.

Effective Date of Rule: Thirty days after filing.

March 16, 1993

James C. Sainsbury

Acting Executive Director

AMENDATORY SECTION (Amending WSR 91-14-009, filed 6/24/91, effective 7/25/91)

WAC 250-44-050 Utilization of available contract funds. (1) Each biennium the executive director shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum contract amount for a multipurpose service center to be provided depending on available funds under the act during the ~~((1991-1993))~~ 1993-1995 biennium shall not exceed ~~(\$4,600)~~ \$4,708.33 per month.

(b) The maximum contract amount for a contract for a program or programs of service depending on available funds under the act during the ~~((1991-1993))~~ 1993-1995 biennium shall not exceed ~~(\$3,200)~~ \$3,292 per month.

(c) A reservation of funds for contracts to provide statewide outreach and information services and/or training for service providers.

(2) At least two multipurpose service centers ~~((in major population centers)),~~ each located in a highly populated area, will be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service.

AMENDATORY SECTION (Amending WSR 91-14-009, filed 6/24/91, effective 7/25/91)

WAC 250-44-110 Length of contract periods. Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to contract application guidelines issued by the executive director.

(1) Contracts for operation of multipurpose service centers during the ~~((1991-1993))~~ 1993-1995 biennium may

cover operations beginning as early as July 1, ~~((1994))~~ 1993, and ending June 30, ~~((1993))~~ 1995.

(2) Contracts for operation of programs of services during the ~~((1991-1993))~~ 1993-1995 biennium may cover operations beginning as early as July 1, ~~((1994))~~ 1993, and ending June 30, ~~((1993))~~ 1995.

AMENDATORY SECTION (Amending WSR 91-14-009, filed 6/24/91, effective 7/25/91)

WAC 250-44-130 Calendar and closing dates for letters of intent, applications and awards. (1) Sponsoring organizations wishing to apply for contracts to operate multipurpose service centers, shall submit to the executive director a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ~~((Monday, March 4, 1994))~~ Friday, February 19, 1993, as specified in the contract application guidelines.

(2) The executive director or the director's designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by ~~((Monday, March 11, 1994))~~ Tuesday, March 2, 1993, or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection (2) of this section. The closing dates for such applications by Friday, ~~((April 5, 1994))~~ March 19, 1993, as specified in the contract application guidelines.

(4) Sponsoring organizations wishing to apply for contracts to operate programs of service ~~((and a state-wide outreach and information services program))~~ shall submit to the executive director a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ~~((Monday, March 4, 1994))~~ Friday, February 19, 1993.

(5) The executive director or the director's designee will screen the letters of intent for programs of service and a state-wide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by ~~((Monday, March 11, 1994))~~ Tuesday, March 2, 1993, or seven days from the filing date for letters of intent as specified in the contract application guidelines.

(6) Applications for contracts for programs of service and a state-wide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection (5) of this section by Friday, ~~((April 5, 1994))~~ March 19, 1993, as specified in the contract application guidelines.

(7) The executive director of the board will approve awards of contracts, provided qualifying applications were received by the closing dates specified in this section and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive director may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing centers and programs by amendment of contracts in effect.

WSR 93-07-066
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed March 17, 1993, 3:15 p.m.]

Date of Adoption: March 17, 1993.

Purpose: To amend the rule to include the provisions of RCW 82.16.052.

Citation of Existing Rules Affected by this Order: Amending WAC 458-20-17901.

Statutory Authority for Adoption: RCW 82.32.300.

Pursuant to notice filed as WSR 93-04-045 on January 27, 1992 [1993].

Changes Other than Editing from Proposed to Adopted Version: In subsection (3)(c)(iii) we added language that utilities may show priority is being given to senior citizens and low income citizens by spending disproportionate larger amounts to promote energy conservation and efficiency for these groups.

Effective Date of Rule: Thirty-one days after filing.

March 17, 1993

Russell W. Brubaker

Legislation and Policy Manager

AMENDATORY SECTION (Amending Order 85-7, filed 12/18/85)

WAC 458-20-17901 Public utility tax—Energy conservation and cogeneration deductions. (1) Introduction. This section explains certain deductions from the public utility tax which are intended to be an incentive to promote conservation and efficiency of energy. The question of the deductibility of any expenditures not expressly covered in this rule must be submitted to the department in writing for a ruling before the deduction may be taken. The incentive programs for energy efficiency are discussed in RCW 82.16.052 and 82.16.055. Most of the provisions in RCW 82.16.055 expired on December 31, 1989, and were replaced by RCW 82.16.052 which became effective on March 1, 1990. These incentive programs are discussed below.

(2) Deductions under RCW 82.16.055. In chapter 149, Laws of 1980 (RCW 80.28.024, 80.28.025, and 82.16.055), the legislature finds and declares that the potential for meeting future energy needs through conservation measures, including energy conservation loans, energy audits, and the use of renewable resources, such as solar energy, wind energy, wood, wood waste, municipal waste, agricultural products and wastes, hydroelectric energy, geothermal energy, and end-use waste heat, may not be realized without incentives to public and private utilities. The deductions under this law apply only to new facilities for the production or generation of energy from cogeneration or renewable energy resources on which construction was begun after June 12, 1980, and before January 1, 1990, and for measures to improve the efficiency of energy end-use which were begun after June 12, 1980, and before January 1, 1990.

(a) The legislature has implemented its intent by adding a new section to chapter 82.16 RCW, codified as RCW 82.16.055, for deductions relating to energy conservation or production from renewable resources ~~((as follows:~~

~~(+))). The law states that in computing tax under this chapter there shall be deducted from the gross income:~~

~~((a))~~ (i) An amount equal to the cost of production at the plant for consumption within the state of Washington of

~~((+))~~ electrical energy produced or generated from cogeneration as defined in RCW 82.35.020; and

(ii) An amount equal to the cost of production at the plant for consumption within the state of Washington of electrical energy or gas produced or generated from renewable energy resources such as solar energy, wind energy, hydroelectric energy, geothermal energy, wood, wood wastes, municipal wastes, agricultural products and wastes, and end-use waste heat~~((+ and))~~.

(b) The law also contained a deduction for those amounts expended to improve consumers' efficiency of energy end-use or to otherwise reduce the use of electrical energy or gas by the consumer, provided the installation of the measures to improve the efficiency was begun prior to January 1, 1990.

~~((2)) This section applies only to new facilities for the production or generation of energy from cogeneration or renewable energy resources or measures to improve the efficiency of energy end-use on which construction or installation is begun after June 12, 1980, and before January 1, 1990.~~

~~((3))~~ (c) Deductions under subsection ~~((+))~~ (2)(a) of this section shall be allowed for a period not to exceed thirty years after the project is placed in operation.

~~((4))~~ (d) Measures or projects encouraged under subsection (2) of this section shall at the time they are placed in service be reasonably expected to save, produce, or generate energy at a total incremental system cost per unit of energy delivered to end-use which is less than or equal to the incremental system cost per unit of energy delivered to end-use from similarly available conventional energy resources which utilize nuclear energy or fossil fuels and which the gas or electric utility could acquire to meet energy demand in the same time period.

~~((5)) The department of revenue, after consultation with the utilities and transportation commission in the case of investor owned utilities, and the governing bodies of locally regulated utilities, shall determine the eligibility of individual projects and measures for deductions under this section.~~

~~The department of revenue has complied with the consultation requirements of RCW 82.16.055(5).)~~

(e) The provisions of subsection ~~((+))~~ (2)(a)(i) through (ii) of this section, deal with new facilities designed and intended for the production of energy. The department will rule upon eligibility of such facilities and the attendant cost of energy production for purposes of determining deductibility from the public utility tax upon an individual project basis using the cost figures reported on the appropriate Federal Energy Regulatory Commission (FERC) schedules that are required to be filed by public and private electric utilities and by private gas utilities. The allowable deductions consist of production expenses, eligible fuel costs and book depreciation of capital costs. Eligible fuel costs are all fuels if used for cogeneration or nonfossil fuel costs if not a cogeneration facility. Plans for the construction of such facilities and pertinent details, including energy production and production costs projections relative to the planned facility or construction details and energy production costs

for facilities already in service must be submitted to the department for determination of eligibility for tax deductions.

~~((Subsection (1)(b) and (4) of this section are applicable to projects conducted by utilities which are designed and projected to result in a reduction in the amount of electrical energy or gas used by the consumer.~~

~~Pursuant to subsection (5) of this section,)~~ (3) Deductions under RCW 82.16.052. This law provides a deduction from the public utility tax for certain energy efficiency programs. The law took effect on March 1, 1990, and expires on January 1, 1996.

(a) The law provides for a deduction from the gross income in computing tax under the public utility tax for payments made under RCW 19.27A.035. RCW 19.27A.035 requires that electric utilities make payments to owners at the time of construction of residential buildings if certain energy code requirements are met.

(b) Until July 1, 1992, utilities could deduct from the amount of tax paid under the public utility tax fifty percent of the payments made under RCW 19.27A.055, excluding any federal funds that are passed through to a utility for the purpose of retraining local code officials. RCW 19.27A.055 provides a training account for the purpose of providing training for the enforcement by local governments of the Washington state energy code.

(c) RCW 82.16.052 provides a deduction for amounts expended on additional programs that improve the efficiency of energy end-use if priority is given to senior citizens and low-income citizens in the course of carrying out such programs. The department of revenue has determined the eligibility of individual measures to improve consumers' efficiency of energy end-use or otherwise reduce the use of electrical energy or gas by the consumer. Such measures include residential and commercial buildings weatherization programs as well as energy end-user conservation programs, however designated and however funded or financed.

(i) "Senior citizens" means those persons who are sixty-two years of age or older.

(ii) "Low-income citizens" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income of those families within the area served by the utility service provider. (See RCW 43.185A.010.)

(iii) Utility businesses may show that priority is given to senior citizens or low-income citizens by various means. For example, it will be presumed that priority has been given these citizens when the utility business can show that it spends disproportionate larger amounts for energy conservation and efficiency measures for these citizens. Priority is also considered given to senior and low-income citizens when the utility can show that these citizens are given preference for participation in programs that improve the efficiency of energy end-use when program resources are limited and all applicants are not able to receive assistance in a timely manner and the utility communicates to senior and low-income citizens the availability of energy efficiency programs through fliers, brochures, posters, newspaper announcements, and billing inserts.

(d) Under the general rules of statutory construction, tax exemption provisions must be strictly construed against the person claiming the exemption and in favor of imposing tax. Also, under such general rules the words and terms used in

statutes must be given their common and ordinary meaning. By the terms of RCW (~~(82-16-055)~~) 82.16.052 (1)(b) deductions are restricted to amounts expended for programs and measures which have as their purpose some reduction of energy use by utilities' customers. Some incidental and generally related costs which may be incurred in the development and implementation of energy conservation measures may be too remote from the purpose of improving energy efficiency or reducing consumers' energy consumption. For these reasons and pursuant to RCW (~~(82-16-055(5))~~) 82.16.052(2) the department has consulted with publicly and privately operated utilities to determine the kinds of costs which will satisfy the statutory intent by achieving the purpose of reducing energy consumption.

(e) Accordingly, the term "amounts expended to improve consumers' efficiency of energy end-use" means the costs incurred by public and private utilities which are exclusively attributable to the development and implementation of energy end-use conservation projects and measures. This term does not include the costs attributable to the operation of a public or private utility business which were incurred before, or are incurred separate from the development and implementation of energy conservation programs. A portion of expenditures for personnel and facilities serving both energy conservation purposes and other utility purposes may be deducted if the portion attributable to energy conservation is supported by direct cost accounting records prepared during the tax reporting period for which such energy conservation expenditures are claimed for deduction. However, merely estimating an allocable portion of costs or apportioning some percentage of total overhead expense claimed to be related to energy conservation projects or measures will not support a deduction. The accounting should be based on actual experience. For example, expenditures for personnel or such facilities as computers could be accounted for on a time-use basis. However the expenses are accounted for, the burden rests upon the utility company to clearly show the direct relationship between any costs claimed for deduction and the energy conservation projects or measures claimed to have generated such costs.

(f) **Eligible costs.** Under the remoteness test, the department has determined the following specific costs to be eligible for tax deduction:

(~~(1-)~~) (i) **Construction and installation.** All costs actually incurred by a utility representing the value of materials and labor applied or installed in any facility of or for an energy end-user, whether provided by the utility itself or by third party prime or subcontractors. Such eligible costs include, but are not limited to:

(~~(a-)~~) (A) Insulation for floors, ceilings, walls, water pipes and the complete installation thereof.

(~~(b-)~~) (B) Weatherstripping, caulking, batting, and any similar materials applied for weatherization of facilities and the complete installation thereof.

(~~(c-)~~) (C) Storm windows, insulated and other weather resistant glass or similar materials and installation.

(~~(d-)~~) (D) Electric or gas thermostatic controls and installation.

(~~(e-)~~) (E) Water heater wraps, shower head restrictors, and all similar devices installed to reduce heat loss or reduce the actual units of energy consumed, and the installation thereof.

(~~(f-)~~) (F) Energy efficient lighting, lighting controls, and installation.

(G) Energy efficient motors and adjustable speed drives.

(H) Improved energy efficient heating, ventilation, and air conditioning systems.

(~~(2-)~~) (ii) **Energy audits and post installation inspection.** All direct costs actually incurred for providing:

(~~(a-)~~) (A) Energy audit training.

(~~(b-)~~) (B) Auditor payroll.

(~~(c-)~~) (C) Auditor uniforms.

(~~(d-)~~) (D) Special tools and equipment specifically needed for carrying out audit programs.

(~~(e-)~~) (E) Auditor and inspector private vehicle mileage allowance.

(~~(f-)~~) (F) Post installation inspection, labor, and materials costs.

(~~(3-)~~) (iii) **Administration.** All administrative, clerical, professional, and technical salary and payroll costs actually and directly incurred for:

(~~(a-)~~) (A) Conservation program management and supervision including but not limited to audit, BPA buy-back, commercial, solar, and loan programs.

(~~(b-)~~) (B) Secretarial and clerical expense.

(~~(c-)~~) (C) Data entry and information processing operators.

(~~(d-)~~) (D) Engineering.

(~~(e-)~~) (E) Outside legal expense and inhouse legal expense which is directly cost accounted.

(~~(f-)~~) (F) General energy conservation employee training.

(~~(g-)~~) (G) Conservation programs accounting and auditing.

(~~(h-)~~) (H) Separate telephone and third party provided services separately billed.

(~~(4-)~~) (iv) **Consumable supplies and equipment.** The cost of consumable materials and equipment utilized in energy conservation programs and directly cost accounted or separately billed, including but not limited to:

(~~(a-)~~) (A) Equipment rental.

(~~(b-)~~) (B) Custom software programs.

(~~(c-)~~) (C) Computer lease time.

(~~(d-)~~) (D) Computer print-out paper.

(~~(e-)~~) (E) Special conservation program stationery, program instruction and installation manuals and office clerical supplies.

(~~(f-)~~) (F) Periodic costs of capital equipment and rolling stock if(~~(c-~~

(~~(h-)~~) such equipment and rolling stock are attributable to an energy end-user conservation program; and

(~~(i-)~~) such costs are incurred during the duration of such program.

(~~(g-)~~) (G) Direct costs of repair and maintenance of the above items.

(~~(5-)~~) (v) **Financing.** Deduction is allowed for all direct financing and loan expenses relative to:

(~~(a-)~~) (A) Loan manager, supervisor, inspectors, secretaries, and clerks payroll which is directly cost accounted.

(~~(b-)~~) (B) Net interest differential (loans to consumers at lower than the utilities' interest rates on such acquired funds).

(~~(c-)~~) (vi) **Advertising and education.**

(~~(a-)~~) (A) Information, dissemination, and advertising charges for radio, television, newspaper services, bill

stuffers, brochures, handouts, displays, and related costs of producing and presenting such advertising materials, which are exclusively dedicated to promoting energy conservation projects and measures.

~~((b-))~~ **(B)** Community education and outreach efforts conducted for the exclusive purpose of promoting energy conservation and achieving reduction of end-user energy consumption.

(g) Ineligible costs. The department has determined the following specific costs as being ineligible for tax deduction for the reason that they are too remote from the purpose of improving energy efficiency and reducing end-user's consumption:

~~((a-))~~ **(i)** Legislative services.

~~((b-))~~ **(ii)** Dues, memberships and subscriptions.

~~((c-))~~ **(iii)** Information, dissemination, and advertising charges for radio, television, newspaper services, bill stuffers, brochures, handouts, displays, and related costs of producing advertising materials which are not exclusively for the purpose of encouraging or promoting energy conservation.

~~((d-))~~ **(iv)** Experimental programs. Caveat: If and when experimental programs and the facilities, projects, or measures developed through such experimentation, research, and development are actually placed in service or placed in the rate base, and upon written approval of eligibility by the department, the total of expenditures for such facilities, projects, or measures including experimental stage costs may be allowed for deduction.

~~((e-))~~ **(v)** Community education and outreach efforts which are not exclusively dedicated to energy conservation projects and measures.

~~((f-))~~ **(vi)** Allocated facility costs which are not directly cost accounted.

~~((g-))~~ **(vii)** Allocated vehicle rolling stock costs which are not directly cost accounted.

~~((h-))~~ **(viii)** Convention, meals, and entertainment expense.

~~((i-))~~ **(ix)** Out-of-state travel expenses, except that the percentage of such expenses allocable to miles traveled within this state will be allowed for deduction.

(4) Timing of the deduction. Utilities may deduct from the measure of public utility tax deductible expenses as set forth in this rule at the time such costs are actually incurred and may include such deductions on excise tax returns covering the period during which the costs were actually incurred. For purposes of reporting public utility tax liability, utilities must include and report Bonneville Power Administration (BPA) and other providers' cash grants, reimbursements, and buy-back payments attributable to energy conservation programs as gross income of the business when it is received. "Gross income of the business" shall also include the value of electrical energy units from BPA for performing approved energy conservation services. Any recurring costs determined to be eligible for deduction under this rule shall cease to be eligible in whole or in part at time of termination of any energy conservation measure or project which originally authorized the deduction under RCW ~~((82.16.055))~~ **82.16.052**.

~~((The question of the deductibility of any expenditures not expressly covered in this rule must be submitted to the~~

~~department in writing for an express ruling before deduction may be taken.))~~

WSR 93-07-067
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed March 17, 1993, 3:19 p.m.]

Date of Adoption: March 17, 1993.

Purpose: To provide county assessors with the interest rate and property tax component for use in valuing agricultural land classified under current use, for assessment year 1993.

Citation of Existing Rules Affected by this Order: Amending WAC 458-30-262.

Statutory Authority for Adoption: RCW 84.08.010 and 84.08.070.

Pursuant to notice filed as WSR 93-04-020 on January 26, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 17, 1993

William N. Rice

Assistant Director

AMENDATORY SECTION (Amending WSR 92-03-068, filed 1/14/92, effective 2/14/92)

WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component. For assessment year ~~((1992))~~ **1993**, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is ~~((10.55))~~ **10.26** percent; and
- (2) The property tax component for each county is:

((COUNTY	PERCENT	COUNTY	PERCENT
Adams	1.52	Lewis	1.29
Asotin	1.46	Lincoln	1.49
Benton	1.56	Mason	1.36
Chelan	1.50	Okanogan	1.45
Clallam	1.29	Pacific	1.45
Clark	1.42	Pend Oreille	1.06
Columbia	1.45	Pierce	1.66
Cowlitz	1.24	San Juan	1.03
Douglas	1.46	Skagit	1.29
Ferry	0.98	Skamania	1.03
Franklin	1.59	Snohomish	1.36
Garfield	1.76	Spokane	1.64
Grant	1.44	Stevens	1.22
Grays Harbor	1.47	Thurston	1.60
Island	0.97	Wahkiakum	1.19
Jefferson	1.18	Walla Walla	1.40
King	1.17	Whatcom	1.41
Kittap	1.24	Whitman	1.53
Kittitas	1.29	Yakima	1.43
Klickitat	1.31))		

<u>COUNTY</u>	<u>PERCENT</u>	<u>COUNTY</u>	<u>PERCENT</u>
Adams	1.43	Lewis	1.30
Asotin	1.56	Lincoln	1.49
Benton	1.50	Mason	1.43
Chelan	1.52	Okanogan	1.45
Clallam	1.29	Pacific	1.49
Clark	1.29	Pend Oreille	1.09
Columbia	1.33	Pierce	1.61
Cowlitz	1.19	San Juan	0.93
Douglas	1.47	Skagit	1.16

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<u>Ferry</u>	<u>1.12</u>	<u>Skamania</u>	<u>1.05</u>
<u>Franklin</u>	<u>1.62</u>	<u>Snohomish</u>	<u>1.25</u>
<u>Garfield</u>	<u>1.47</u>	<u>Spokane</u>	<u>1.64</u>
<u>Grant</u>	<u>1.43</u>	<u>Stevens</u>	<u>1.21</u>
<u>Grays Harbor</u>	<u>1.40</u>	<u>Thurston</u>	<u>1.54</u>
<u>Island</u>	<u>0.91</u>	<u>Wahkiakum</u>	<u>1.13</u>
<u>Jefferson</u>	<u>1.11</u>	<u>Walla Walla</u>	<u>1.42</u>
<u>King</u>	<u>1.26</u>	<u>Whatcom</u>	<u>1.44</u>
<u>Kitsap</u>	<u>1.23</u>	<u>Whitman</u>	<u>1.55</u>
<u>Kittitas</u>	<u>1.31</u>	<u>Yakima</u>	<u>1.41</u>
<u>Klickitat</u>	<u>1.27</u>		

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-07-077
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed March 18, 1993, 11:44 a.m.]

Date of Adoption: March 11, 1993.

Purpose: To amend the licensing requirements for masters of exempt vessels.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-360.

Statutory Authority for Adoption: RCW 88.16.070.

Pursuant to notice filed as WSR 93-04-110 on February 3, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 17, 1993

Thomas F. Heinan
 Chairman

WSR 93-07-076
PERMANENT RULES
BOARD OF
PILOTAGE COMMISSIONERS

[Filed March 18, 1993, 11:42 a.m.]

Date of Adoption: March 11, 1993.

Purpose: To clarify the procedures for annual pilot license fee payments and physical examination reporting.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-110.

Statutory Authority for Adoption: RCW 88.16.090.

Pursuant to notice filed as WSR 93-04-109 on February 3, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 17, 1993

Thomas F. Heinan
 Chairman

[AMENDATORY SECTION (Amending WSR 92-08-050, filed 3/26/92)]

WAC 296-116-110 Details and requirements of annual license ~~((renewal))~~ fee payment, physical examination report and reinstatement application. (1) ~~((All applications for renewal of))~~ **Annual license((s)) fees and reports on annual physical examinations pursuant to RCW 88.16.090 shall be submitted ~~((in writing))~~ to the Board ~~((at least thirty days prior to))~~ on or before the ~~((expiration))~~ anniversary date of the license~~((, and be accompanied by a certified check payable to the state treasurer in the amount of the annual license fee)). ~~((All applicants for renewal of licenses shall be required to display their))~~ Each pilot shall ensure that the Board, at all time, possesses a copy of his/her currently ~~((applicable))~~ valid United States government license with radar endorsement issued by the United States Coast Guard.~~**

(2) A pilot, who retires under his/her medical disability retirement plan, may apply for reinstatement of his/her pilot's license within five years from the date of their last pilotage assignment, provided they are capable of passing a physical examination without any restrictions as to full pilotage duties. The board may, at its discretion, waive all or part of the pilotage examination. The board shall require the pilot to complete a familiarization/training program prescribed by the board after a full review of all relevant factors. The board may also prescribe license limitations such as those contained in WAC 296-116-082.

[AMENDATORY SECTION (Amending WSR 90-20-039, filed 9/25/90)]

WAC 296-116-360 Exempt vessels Under the authority of RCW 88.16.070, application may be made to the Board of Pilotage Commissioners to seek exemption from the pilotage requirements for the operation of a limited class of small passenger vessels or yachts, which are not more than five hundred gross tons (International), do not exceed two hundred feet in length, and are operated exclusively in the waters of the Puget Sound Pilotage District and lower British Columbia. The owners or operators of such vessel or vessels must:

(1) Seek exemption at least sixty days prior to planned vessel operations in the Puget Sound Pilotage District.

(2) Submit the petition requesting exemption to the chairperson, Washington State Board of Pilotage Commissioners, with details concerning description of the vessel, the contemplated use of vessel, the proposed area of operation, the name and address of the vessel's owner, and the dates of planned operations. The Board shall hold a hearing at a regularly scheduled Board meeting to consider such exemption request.

The Board, when granting such an exemption, may establish such conditions they deem necessary so that such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the State of Washington.

One such condition shall be that the master of the vessel, shall at all times, hold as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than sixteen hundred

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gross tons or as a master of inland steam or motor vessels of not more than ~~((sixteen))~~ five hundred gross tons, such license to include a current radar endorsement.

The Board shall annually, or at any other time when in the public interest, review any exemptions granted to the specified class of small vessels to ensure that each exempted vessel remains in compliance with the original exemption and any conditions to the exemption. The Board shall have the authority to revoke such exemption when there is not continued compliance with the requirements for exemption.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 93-07-078

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 349B—Filed March 18, 1993, 2:52 p.m.]

Date of Adoption: March 12, 1993.

Purpose: Amend WAC 246-924-070 to change the cut-score from 75% to 70% or the mean of all first time doctoral candidates, whichever one is lower.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-924-070.

Statutory Authority for Adoption: RCW 18.83.050.

Pursuant to notice filed as WSR 93-04-014 on January 25, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 12, 1993

Kathleen O'Shaunessy, Ph.D.

Chair, Examining Board of Psychology

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-070 Psychologists—Written examination. Written examination requirements: The written examination that is used in the state of Washington is the examination of professional practice of psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including interdisciplinary relations and knowledge of professional affairs.

The cutoff score which the Washington state board of examiners uses is ~~((75))~~ 70% of the raw score, or the national mean of all first time doctorates, whichever is the lowest.

WSR 93-07-089

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-386, Docket No. UT-921167—Filed March 22, 1993, 8:11 a.m.]

In the matter of amending WAC 480-120-031 relating to the adoption by reference of FCC accounting standards.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 93-02-068, filed with the code reviser on January 6, 1992. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 93-02-068, for 9:00 a.m., Wednesday, February 24, 1993, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until February 9, 1993.

Written comments were presented by US West Communications, Inc., and by the commission staff.

The rule amendments will update references to the Federal Communications Commission's Uniform System of Accounts for Class A and Class B Telephone Companies to a more recent version, allowing greater consistency between companies' interstate and intrastate accounting practices, and will clearly specify where copies of the document may be viewed.

Commission staff proposed that the commission adopt changes from the noticed version of the amendments. First, while the rule authorizes only certain accounting practices, commission staff recommended that the rule clarify that companies can petition for approval to use other accounting practices. Second, the commission staff proposed editorial changes to specify that the referenced document is available "for examination" at the WUTC library and, to remove possible ambiguity, to state clearly that Class B companies need only make semiannual filings which reflect six months and twelve months ended data.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on February 24, 1993 before Chairman Sharon L. Nelson, Commissioner Richard D. Casad and Commissioner A. J.

Pardini. Oral comments were made by Teresa Ralston, of the commission staff, and by Mike Moran, representing US West Communications, Inc. After considering the written and oral comments, the commission adopted the rule, as noticed, with the additional amendments proposed by the commission staff.

The rule will not have an economic impact on more than 20% of all industries nor on more than 10% of any one three-digit standard industrial classification.

In reviewing the entire record, the commission determines that WAC 480-120-031 should be amended to read as set forth in Appendix A, shown below and included in it by this reference.

ORDER

The commission orders that WAC 480-120-031 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.080(2).

The commission further orders that this order and the rule shown below, after being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

Dated at Olympia, Washington, this 18th day of March, 1993.

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

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-349, Docket No. UT-910385, filed 9/17/91, effective 10/18/91)

WAC 480-120-031 Accounting. (1) Except as provided in this rule, the *Uniform System of Accounts (USOA) for Class A and Class B Telephone Companies* published by the Federal Communications Commission (FCC) and designated as Part 32, effective (~~January 1, 1988~~) October 1, 1991, is hereby prescribed for book and recording purposes for telecommunications companies in the state of Washington. A company wishing to use accounting methods not authorized in this rule for book and recording purposes must petition for, and receive, commission approval before implementing the change. This includes the adoption of any changes to the USOA made by the FCC after October 1, 1991, and includes the use of Generally Accepted Accounting Principles (GAAP) that are not adopted in the October 1, 1991, version of the USOA. The commission will ordinarily consider implementation of GAAP procedures on a case-by-case basis. The accounting rules for book and recording purposes do not dictate intrastate ratemaking. Copies of Part 32 (effective October 1, 1991) are available for examination at the WUTC library.

(2) Telecommunications companies operating within this state shall be classed by access lines as follows:

Class	Number of Access Lines
A	In Excess of 10,000
B	Less than 10,000

Upon authorization by the commission, a company presently classified by the commission as a Class B company but desiring more detailed accounting may adopt the accounts prescribed for Class A companies. Class B companies authorized to adopt the accounts prescribed for Class A companies shall be required to comply with the more detailed accounting specified for Class A companies. Any election to the contrary notwithstanding, the commission reserves the right to require any company to comply with the accounting requirements applicable to Class A companies.

(3) Jurisdictional differences. For Account 7910—Income effect of jurisdictional ratemaking differences—Net; Account 1500—Other jurisdictional assets—Net; Account 4370—Other jurisdictional liabilities and deferred credits—Net, and in a subaccount of Account 4550—Retained earnings, the exchange telecommunications companies operating in this state shall keep subsidiary accounts and records reflecting in separate accounts, subaccounts, and subsidiary records, the Washington intrastate differences in amounts arising from the departure of this commission for booking and/or ratemaking purposes from FCC prescribed accounting. Separate subaccounts shall be kept for each difference. Examples include, but are not limited to, separate accounting for the booking of an allowance for funds used during construction (AFUDC) for short-term construction work in progress (Account 2003, formerly subdivision (1) of Account 100.2); flow-through accounting of tax timing differences to the extent permitted by tax regulations (unless specific exceptions to the flow-through requirement have been granted or required by the commission); elimination of excess profits for affiliated transactions; or such other company specific ratemaking or accounting treatment ordered by the commission in any case involving the rates of a specific company, or in other accounting directives issued by the commission.

(a) All local exchange telecommunications companies shall account as of January 1, 1988, for any embedded jurisdictional ratemaking differences by incorporating any previous jurisdictional differences side-records accounts, and any other accounting directives made by the commission, into the appropriate jurisdictional differences account.

(b) ~~((All companies shall expense currently any costs associated with the implementation of Part 32.~~

~~(e))~~ All companies shall keep subsidiary records as may be necessary to report readily the source of Washington intrastate local exchange network services revenues by residential and business class of service.

~~((d))~~ (c) All telecommunication companies subject to this rule shall keep subsidiary accounts in Account 5084—State access revenue, showing separately the following: Intrastate revenues from end users (subscriber line charges); special access revenues; interLATA and intraLATA switched access revenues, identified as revenue derived from the carrier common line and Universal Service Fund rate elements, and revenue derived from all other switched access

rate elements; ~~((independent))~~ intercompany settlements; and other access revenues.

~~((e))~~ (d) Any company filing with the FCC reports in compliance with the requirements of Part 32, Paragraph 32.25 of Subpart B, Unusual Items and Contingent Liabilities, relating to extraordinary items, prior period adjustments, or contingent liabilities shall file a copy of such report concurrently with this commission.

~~((f))~~ (e) As to a leased asset which is or has been used in the provision of utility service, unless an alternate accounting treatment has been specifically approved by the commission, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their original cost or the present value of the minimum lease payments. For purposes of this section "original cost" is defined as the net book value of the leased property to the lessor at the inception of the lease. If all efforts by a company to obtain original cost information fail, and the original cost can not be reasonably estimated, then the companies will file a request with the commission seeking approval to record the asset at the lower of the fair market value of the asset or the present value of the minimum lease payments.

When the asset in question has never been used in the provision of utility service, any company which capitalizes leases in accordance with FASB-13 shall capitalize such leases at the lower of their fair market value or the present value of the minimum lease payments.

~~((g))~~ (f) Unless specific exceptions are granted, or required, all companies shall keep records for ratemaking and/or booking purposes which flow-through tax benefits to the extent permitted by federal tax regulations. Any jurisdictional ratemaking differences, created by this rule, shall be reflected in accounts provided in Part 32 for jurisdictional differences, more specifically Accounts 1500, 4370, and 7910. See ~~((sections 3(h) and 3(i)))~~ (g) and (k) of this subsection for further exceptions to this rule.

~~((h))~~ (g) As to compensated absences and sick pay, if payment of nonvesting accumulated sick pay benefits depends on the future illness of an employee, companies shall not accrue a liability for such an expense for purposes of portraying results of operations until such sick pay is actually paid. In addition, if a company accrues expenses for compensated absences before such expenses are actually deductible for federal income tax purposes, then an exception to the flow-through accounting requirement in ~~((section 3(g)))~~ (f) of this subsection is required. In such a case, a normalized tax accounting treatment will be required.

~~((i))~~ (h) No depreciation expense will be allowed for ratemaking purposes on amounts included in Account 2002—Property held for future telecommunications use. If a company records depreciation on amounts in this account, it shall record the jurisdictional difference in a separate subaccount of the designated jurisdictional differences accounts.

~~((j))~~ (i) Any property which has been used in the provision of utility service, when acquired from a nonaffiliate shall be recorded at its net book value at the time of the transfer. If the company wishes to record the acquisition at its acquisition cost rather than its net book value, it shall first seek approval for such accounting, providing such detail as the commission may require. If there

is a jurisdictional difference in recording the cost of an acquisition, any such difference shall be recorded in a separate subaccount of the designated jurisdictional differences accounts. Any other property acquired from a nonaffiliate shall be recorded at its acquisition cost.

~~((k))~~ (j) Amounts booked to Account 2005—Telecommunications plant adjustment, shall be treated as nonoperating investment, and shall not be included in any rate base account without the expressed permission of the commission. Unless an alternate treatment has been authorized by the commission, any amortization taken on amounts in Account 2005 will be treated as though charged to Account 7360—Other nonoperating income, or other nonoperating accounts as required.

~~((l))~~ (k) If a company is allowed to convert to a GAAP accounting treatment of an item, or allowed other accounting changes which call for the accrual of expenses before such expenses are deductible for federal income tax purposes, an exception to the flow-through accounting requirement in ~~((section 3(g)))~~ (f) of this subsection is required. In such event, a normalized tax accounting treatment will be required.

(4) The annual report form promulgated by the Federal Communications Commission is hereby adopted for purposes of annually reporting to this commission by those Class A telecommunications companies classified by the FCC in CC Docket No. 86-182 as Class A Tier I telecommunications companies. The annual report forms for all other Class A and Class B telecommunications companies shall be published by the commission. The annual report shall be filed with the commission as soon after the close of each calendar year as possible but in no event later than May 1 of the succeeding year. Those telecommunications companies having multistate operations shall report both total company and Washington results in their annual report. Companies may also be required to include certain supplemental information in the annual report, such as the status of all jurisdictional differences accounts and subaccounts for the period. This supplemental information will be described in the mailing of the annual reports, or in other sections of this rule (see ~~((sections))~~ subsections (7) and (9) of this section).

(5) The total company results of operations reported by each telecommunications company in its annual report shall agree with the results of operations shown on its books and records.

(6) All telecommunications companies having multistate operations shall maintain records in such detail that the costs of property located and business done in this state in accordance with state geographic boundaries can be readily ascertained.

(7) All telecommunications companies having multistate operations shall report to this commission at least once each year, as a supplement to its annual report, such allocations between states as are requested by the commission from time to time for each utility. Any allocations required in developing results of operations for the state of Washington separately shall be accomplished on a basis acceptable to the commission. In these supplemental reports, adjustments will be made to incorporate Washington intrastate amounts in the jurisdictional differences accounts.

(8)(a) If a company prepares an annual separations cost study and furnishes a copy thereof to the National Exchange

Carrier Association, Inc., (NECA), that company shall, upon request by the commission, make available for commission review at a company-designated location in Thurston County a copy of the same study material as has been so furnished to NECA. Such copy shall be made available for such commission review within ten days after the later of:

(i) The date of the company's receipt of the commission's request therefor; or

(ii) The date on which NECA's copy of the study is furnished to NECA.

(b) If a company prepares an annual separations cost study and furnishes a copy thereof to the Federal Communications Commission (FCC), that company shall, upon request by the commission, make available for commission review at a company designated location in Thurston County a copy of the same study material as has been so furnished to the FCC. Such copy shall be made available for such commission review within ten days after the later of:

(i) The date of the company's receipt of the commission's request therefor; or

(ii) The date on which FCC's copy of the study is furnished to the FCC.

(9) Each telecommunications company shall file with the commission periodic results of operations statements showing total Washington per books, restating adjustments to per books, total Washington per books restated, and Washington restated intrastate results of operations.

Class A companies shall file periodic results of operations statements quarterly. Each quarterly statement shall show monthly and twelve months ended data for each month of the quarter reported. Class B companies shall (~~show semiannual~~) file periodic results of operations statements semiannually. Each semiannual statement shall show six months and twelve months ended (~~results~~) data. For Class A companies, periodic results of operations statements shall be due ninety days after the close of the period being reported with the exception of the fourth quarter statement which shall be due no later than May 1 of the succeeding year. Class B companies shall file the June 30 ended and December 31 ended semiannual results of operations statements on October 1 and May 1 of each year, respectively.

The periodic results of operations statements shall be on a "commission basis" and restated for out-of-period items, nonoperating, nonrecurring, extraordinary items, or any other item that materially distorts test period earnings or expenses. By use of notes, an explanation of the restating adjustments shall accompany the results of operations statement.

"Commission basis" means that the rate base includes those standard rate base components that have been historically accepted by the commission for ratemaking. "Commission basis" does not include new theories or approaches which have not been previously addressed and resolved by the commission.

The telecommunications companies shall use the allocation factors from their most recent separations cost study to develop the Washington intrastate results of operations.

(10) This rule shall not supersede any reporting requirements specified in a commission order, nor shall it be construed to limit the commission's ability to request

additional information on a company specific basis as is deemed necessary.

(11) The annual budget of expenditures form for budgetary reporting for telecommunications companies will be published by this commission in accordance with chapter 480-140 WAC.

(12) The requirements of this section shall not apply to telecommunications companies classified by the commission as competitive, and subject to WAC 480-120-033.

(13) There shall be no departure from the foregoing except as specifically authorized by the commission.

WSR 93-07-093
PERMANENT RULES
DEPARTMENT OF FISHERIES

[Order 93-16—Filed March 22, 1993, 2:44 p.m.]

Date of Adoption: March 19, 1993.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-44-050.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 93-04-095 on February 2, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 19, 1993

Judith Freeman

Deputy

for Robert Turner

Director

AMENDATORY SECTION (Amending Order 97-07, filed 3/6/92, effective 4/16/92)

WAC 220-44-050 Coastal bottomfish catch limits.

It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29 or Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated. All weights are in round pounds:

(1) The following definitions apply to this section:

(a) Fixed two-week fishing period. Each of the following is defined as a fixed, two-week fishing period (hours given are on a 24-hour basis):

0001 hours January 1 to 2400 hours January (~~(14)~~) 12;

0001 hours January (~~(15)~~) 13 to 2400 hours January (~~(28)~~) 26;

0001 hours January (~~(29)~~) 27 to 2400 hours February (~~(44)~~) 9;

0001 hours February (~~(42)~~) 10 to 2400 hours February (~~(25)~~) 23;

0001 hours February (~~(26)~~) 24 to 2400 hours March (~~(40)~~) 9;

0001 hours March (~~(41)~~) 10 to 2400 hours March (~~(24)~~) 23;

0001 hours March (~~(25)~~) 24 to 2400 hours April (~~(7)~~) 6;

0001 hours April (~~(8)~~) 7 to 2400 hours April (~~(21)~~) 20;

0001 hours April (~~(22)~~) 21 to 2400 hours May (~~(5)~~) 4;

0001 hours May ((6)) 5 to 2400 hours May ((19)) 18;
 0001 hours May ((20)) 19 to 2400 hours June ((2)) 1;
 0001 hours June ((3)) 2 to 2400 hours June ((16)) 15;
 0001 hours June ((17)) 16 to 2400 hours June ((30)) 29;
 0001 hours ((July 1)) June 30 to 2400 hours July ((14))

13;

0001 hours July ((15)) 14 to 2400 hours July ((28)) 27;
 0001 hours July ((29)) 28 to 2400 hours August ((11))

10;

0001 hours August ((12)) 11 to 2400 hours August ((25)) 24;

0001 hours August ((26)) 25 to 2400 hours September ((8)) 7;

0001 hours September ((9)) 8 to 2400 hours September ((22)) 21;

0001 hours September ((23)) 22 to 2400 hours October ((6)) 5;

0001 hours October ((7)) 6 to 2400 hours October ((20))

19;

0001 hours October ((21)) 20 to 2400 hours November ((3)) 2;

0001 hours November ((4)) 3 to 2400 hours November ((17)) 16;

0001 hours November ((18)) 17 to 2400 hours ((December 1)) November 30;

0001 hours December ((2)) 1 to 2400 hours December ((15)) 14;

0001 hours December ((16)) 15 to 2400 hours December 31;

(b) Fixed four-week periods. Each of the following is defined as a fixed, four-week fishing period (hours given are on a 24-hour basis):

0001 hours January 1 to 2400 hours January ((28)) 26;

0001 hours January ((29)) 27 to 2400 hours February ((25)) 23;

0001 hours February ((26)) 24 to 2400 hours March ((24)) 23;

0001 hours March ((25)) 24 to 2400 hours April ((21))

20;

0001 hours April ((22)) 21 to 2400 hours May ((19))

18;

0001 hours May ((20)) 19 to 2400 hours June ((16)) 15;

0001 hours June ((17)) 16 to 2400 hours July ((14)) 13;

0001 hours July ((15)) 14 to 2400 hours August ((11))

10;

0001 hours August ((12)) 11 to 2400 hours September ((8)) 7;

0001 hours September ((9)) 8 to 2400 hours October ((6)) 5;

0001 hours October ((7)) 6 to 2400 hours November ((3)) 2;

0001 hours November ((4)) 3 to 2400 hours ((December 1)) November 30;

0001 hours December ((2)) 1 to 2400 hours December 31;

(c) Cumulative ((trip)) limit. A cumulative ((trip)) limit is the maximum amount of fish that may be taken and retained, possessed or landed in a specified period of time, without a limit on the number of landings or trips. ((One a vessel has landed a cumulative trip limit, it may fish ahead

into the next cumulative trip limit, provided that no landing is made until the next specified period of time. If a closure or reduction in cumulative trip limit of a species or species complex occurs while the vessel is fishing ahead, the vessel must cease fishing for that species or species complex and discard any catch or overage of the species or species complex on board. Such discard is not wastage pursuant to RCW 75.12.120.)

(d) Vessel trip. A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(e) Vessel trip limit. The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(f) Daily trip limit. The maximum amount of fish that may be taken and retained, possessed, or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours local time.

(g) Week. Wednesday through the following Tuesday.

(2) Widow rockfish (*Sebastes entomelas*) - Cumulative ((trip)) limit of 30,000 pounds in a fixed four-week period. No minimum size. Unless the fishery for widow rockfish is closed, a vessel which has landed its four-week cumulative limit may begin to fish on the cumulative limit for the next four-week period, provided that the fish are not landed until the next four-week period has commenced. If a closure or reduction in cumulative limit for widow rockfish occurs while a vessel is fishing, the vessel must cease fishing for widow rockfish and discard any catch or overage. Such discard is not wastage pursuant to RCW 75.12.120.

(3) Shortbelly rockfish (*Sebastes jordani*) - no cumulative or vessel trip limit; no minimum size.

(4) Pacific Ocean perch (*Sebastes alutus*) - No restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board per vessel trip. Under no circumstances may a vessel land more than 3,000 pounds of Pacific Ocean perch in any one vessel trip.

(5) All other species of rockfish (includes all *Sebastes* spp. except Pacific Ocean perch, widow rockfish, shortbelly rockfish and thornyhead or idiot rockfish) - cumulative ((trip)) limit of 50,000 pounds per fixed two-week period, of which no more than 8,000 pounds may be yellowtail rockfish (*Sebastes flavidus*). No minimum size. Unless the fishery for the Sebastes complex or yellowtail rockfish is closed, a vessel which has landed its two-week cumulative limit may begin to fish on the cumulative limit for the next two-week period, provided that the fish are not landed until the next two-week period has commenced. If a closure or reduction in cumulative limit for the Sebastes complex or yellowtail rockfish occurs while a vessel is fishing, the vessel must cease fishing for the Sebastes complex or yellowtail rockfish, and discard any catch or overage. Such discard is not wastage pursuant to RCW 75.12.120. The following limits apply to black rockfish (*Sebastes melanops*) taken with hook and line gear under this subsection:

(a) A vessel trip limit of 100 pounds or 30 percent of the total weight of fish aboard, whichever is greater, (including salmon, if the black rockfish are taken incidental to salmon trolling in Pacific Ocean waters), is established for

those waters of the Strait of Juan de Fuca west of the mouth of the Sekiu River and Pacific Ocean waters south to Cape Alava (48°09'30" N. latitude) and Pacific Ocean waters between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude).

(b) Any vessel fishing in the waters set out in (a) of this subsection during any portion of a vessel trip is prohibited from retaining, possessing, or landing black rockfish in excess of 100 pounds or 30 percent of the total weight of fish on board, whichever is greater.

(6) Deepwater complex: Sablefish, Dover sole and thornyhead or idiot rockfish (*Sebastolobus* spp.) - cumulative ~~((trip))~~ limit of ~~((55,000))~~ 45,000 pounds per fixed two-week period, of which no more than ~~((25,000))~~ 20,000 pounds can be thornyhead rockfish. No minimum size for Dover sole or thornyhead [thornyhead] rockfish. Unless the fishery for the deepwater complex is closed, a vessel which has landed its two-week cumulative limit may begin to fish on the cumulative limit for the next two-week period, provided that the fish are not landed until the next two-week period has commenced. If a closure or reduction in cumulative limit for the deepwater complex occurs while a vessel is fishing, the vessel must cease fishing for the deepwater complex and discard any catch or overage. Such discard is not wastage pursuant to RCW 75.12.120.

The following limits apply to sablefish taken under this subsection.

(a) Trawl vessels - No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 25 percent or less of the total combined round weight of the deepwater complex on board. To convert sablefish to round weight from dressed weight multiply the dressed weight by 1.6. Sablefish minimum size 22 inches in length, unless dressed in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental sablefish catch less than the minimum size of 5,000 pounds. This undersize sablefish incidental allowance is inclusive in the trip limit for the deepwater complex.

(b) Nontrawl vessels - ~~((i) March 1 through May 8 - 1,500))~~ 250 pound (round weight) daily trip limit.

~~((ii) May 9 through May 11 - no landings of sablefish allowed. Fishing gear may remain in the water during this period.~~

~~((iii) Beginning May 12, no trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nontrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds round weight or 3 percent of all sablefish aboard per trip.))~~ To convert to round weight from dressed weight multiply the dressed weight by 1.6.

(7) Pacific Whiting - 0001 hours January 1 through 2400 hours April 14, no landings of more than 10,000 pounds (round weight) per vessel trip. No limit on the number of vessel trips.

(8) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative ~~((trip))~~ limit, vessel trip limit, or a daily trip limit.

~~((8))~~ (9) The fishers copy of all fish receiving tickets showing landings of species provided for in this section must be retained aboard the landing vessel for 90 days after landing.

WSR 93-07-101
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed March 23, 1993, 10:41 a.m.]

Date of Adoption: March 19, 1993.

Purpose: To clarify the meaning of the term, "regionally accredited institution of higher education."

Citation of Existing Rules Affected by this Order: Amending WAC 180-78-010 and 180-79-010.

Statutory Authority for Adoption: RCW 28A.410.010. Pursuant to notice filed as WSR 93-04-120 on February 3, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-78-010 Definition of terms. The following definitions shall be used in this chapter:

(1) "College or university" means any regionally accredited baccalaureate degree granting Washington institution of higher learning or cooperative group of such institutions which has or develops professional programs of preparation in education which are submitted to the state board of education for approval.

(2) "Endorsement" means a specification placed on a certificate to indicate the subject area, grade level, and/or specialization for which the individual is prepared to teach or serve as an administrator or educational staff associate.

(3) "Interstate compact" means the contractual agreement among several states authorized by RCW 28A.690.010 and 28A.690.020 which facilitates interstate reciprocity.

(4) "Program approval" means the approval by the state board of education of a professional preparation program within Washington state.

(5) "Field experience" means a sequence of learning experiences which occur in actual school settings or clinical or laboratory settings. Such learning experiences are related to specific program outcomes and are designed to integrate educational theory, knowledge, and skills in actual practice under the direction of a qualified supervisor.

(6) "Regionally accredited institution of higher education" means a community college, college, or university which is fully accredited by one of the following regional accrediting bodies:

(a) Middle States, Association of Colleges and Schools;

(b) New England Association of Schools and Colleges;

(c) North Central Association of Colleges and Schools;

(d) Northwest Association of Schools and Colleges;

(e) Southern Association of Colleges and Schools;

(f) Western Association of Schools and Colleges;

Accrediting Commission for Junior and Senior Colleges.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-010 Definitions. The following definitions shall apply to terms used in this chapter:

(1) The terms, "program approval," "endorsement," "interstate compact," ~~((and))~~ "college or university," and "regionally accredited institution of higher education," as defined in WAC 180-78-010 shall apply to the provisions of this chapter.

(2) "Certificate" means the license issued by the superintendent of public instruction to teachers, administrators, and educational staff associates verifying that the individual has met the requirements set forth in this chapter.

(3) "Certificate renewal" means the process whereby the validity of an initial certificate may be continued.

(4) "Classroom teaching" means instructing pupils in a classroom setting.

WSR 93-07-102
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed March 23, 1993, 10:45 a.m.]

Date of Adoption: March 19, 1993.

Purpose: To amend the rules governing the placement of teachers in out-of-endorsement assignments.

Citation of Existing Rules Affected by this Order: Amending WAC 180-16-222 and 180-16-223.

Statutory Authority for Adoption: RCW 28A.410.010.

Pursuant to notice filed as WSR 93-04-116 on February 3, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-16-222 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher assignment specified in WAC 180-16-221 shall be limited to the following:

(1) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(2) Any certificated person holding a limited certificate as specified in WAC 180-79-230 or a vocational education certificate as specified in chapter 180-77 WAC or any person holding a nonimmigrant alien permit issued pursuant to WAC 392-193-055, may be assigned as per the provisions of such section or chapter.

(3) Any certificated teacher may be assigned to courses offered in basic education subject areas not included within the list of endorsements specified in WAC 180-79-080.

(4) ~~((Any certificated teacher may be assigned temporarily to an out-of-endorsement grade level or subject area if such assignment complies with WAC 180-16-223.~~

~~((5)))~~ Any certificated teacher with at least two full school years of classroom teaching experience who has not

been placed on probation pursuant to RCW 28A.405.100 during the past two years may be assigned for one year to an out-of-endorsement assignment under the following conditions:

(a) A designated representative of the district and the classroom teacher so assigned will mutually develop a written plan which would provide necessary assistance to the teacher so assigned, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment; and

(b) The following conditions apply regarding required observations and evaluations:

(i) Teachers cannot be assigned out-of-endorsement full-time if they would be subject to evaluation under RCW 28A.405.100(1) in such assignment. Teachers so assigned must be eligible for short form evaluation as provided in RCW 28A.405.100(5).

(ii) Any observation conducted in an out-of-endorsement part-time assignment will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(iii) Teachers who are assigned out-of-endorsement full or part-time, and who are eligible pursuant to state and district criteria, shall be encouraged to participate in the district's professional growth plan option.

(c) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-171-701, including the request for a waiver from the superintendent of public instruction required by subsection (5) of this section.

(5) School districts may assign classroom teachers out of their endorsement areas for two additional years if such assignment(s) complies with WAC 180-16-223.

(6) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

~~((6)))~~ (7) Any certificated teacher who holds one of the specific subject area endorsements (i.e., drama, English, journalism, and/or speech) related to the broad area of English/Language Arts, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

~~((7)))~~ (8) Any certificated teacher who holds one of the specific subject area endorsements (i.e., biology, chemistry, earth science, and/or physics) related to the broad area of science, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade

of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

~~((8))~~ (9) Any certificated teacher who holds one of the specific subject area endorsements (i.e., anthropology, economics, geography, history, political science, psychology, and/or sociology) related to the broad area of social studies, may be assigned at the junior high school/middle school level to teach any other related course in that respective broad subject area endorsement if the teacher has completed or will complete at least nine quarter hours (six semester hours) of study within one year in the assigned endorsement area. Only coursework which received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the required minimum number of credit hours.

AMENDATORY SECTION (Amending WSR 92-04-044, filed 1/31/92, effective 3/2/92)

WAC 180-16-223 Temporary out-of-endorsement assignment criteria. In order ~~((for a temporary out-of-endorsement assignment for a classroom teacher to comply with the basic education approval standards))~~ to assign a classroom teacher to an out-of-endorsement assignment for more than one year, the board of directors of the district must comply with the following:

(1) The board of directors of the district must make one or more of the following factual determinations:

(a) The district was unable to recruit a teacher with the proper endorsement who was the best qualified of candidates for the position.

(b) The need for a teacher with such an endorsement could not have been reasonably anticipated and the recruitment of such a classroom teacher at the time of assignment was not reasonably practicable.

(c) The reassignment of another teacher within the district with the appropriate endorsement to such assignment would be unreasonably disruptive to the current assignments of other classroom teachers or would have an adverse effect on the educational program of the students assigned such other classroom teachers.

(d) The district has a surplus of teachers with endorsements in specified grade levels or subject areas and it is necessary to reassign such teachers in whole or part in order to avoid adversely affecting such teachers' contract status.

(2) The teacher assigned to the out-of-endorsement grade level or subject area must meet the following requirements:

(a) The teacher so assigned must have at least two full school years of classroom teaching experience and must not have been placed on probation pursuant to RCW 28A.405.100 during the last two school years.

(b) The teacher so assigned must have completed six semester hours or nine quarter hours of course work which are applicable to an endorsement in the out-of-endorsement grade level or subject area.

(3) The board of directors of the district shall comply with the following conditions:

(a) Prior to the assignment of the out-of-endorsement grade level or subject area, or as soon as reasonably practicable thereafter, but in no event beyond twenty school days

after the commencement of the assignment, if the assignment was not reasonably foreseeable, a designated representative of the district and the classroom teacher so assigned shall mutually develop a written plan which provides necessary assistance to the teacher so assigned and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement classroom assignment.

(b) No classroom teacher shall be assigned in any one semester or trimester to more than one preparation in one out-of-endorsement grade level or subject area and for no more than two periods of not more than sixty minutes each per day.

(c) Any observation conducted in the out-of-endorsement grade level or subject area will not be utilized by the district as evidence to support probation of the teacher so assigned pursuant to RCW 28A.405.100 or nonrenewal of such teacher pursuant to RCW 28A.405.210.

(d) A second or third year assignment to an out-of-endorsement grade level or subject area will be made only pursuant to WAC 180-16-224 and in no case will the teacher be assigned to the same out-of-endorsement grade level or subject area during more than three school years at any time in which the teacher serves within the same school district; hence, this provision applies to assignments in consecutive or nonconsecutive school years.

(4) The board of directors shall submit to the office of superintendent of public instruction as part of its annual report required by WAC 180-16-195, a list which indicates all assignments for the previous school year in out-of-endorsement grade levels or subject areas. Such list shall include:

(a) The name and certification number of each teacher so assigned, the out-of-endorsement grade levels or subject areas and the number of such periods taught by such teacher, and the dates upon which such assignment(s) commenced and concluded.

(b) The reason for each such assignment.

(c) The reason why the particular teacher was selected for the out-of-endorsement grade level or subject area.

(d) A dated copy of each plan of assistance required pursuant to ~~((WAC 180-16-223))~~ subsection (3)(a) of this section. Such copy shall not contain any personal information the disclosure of which would violate the named teacher's right to privacy pursuant to RCW 42.17.310(b).

(e) An assurance that each such assignment was made in compliance with WAC 180-16-221 through 180-16-224.

(5) *Provided*, That the provisions of subsections (2)(a) and (b) and (3)(b) of this section shall be waived for a period of three consecutive school years for each proposed out-of-endorsement assignment by the state board of education if:

(a) The board of directors of the school district adopts a resolution for each proposed out-of-endorsement assignment which states that the district has made a good faith effort to comply with the provision(s) for which it is requesting a waiver. Such resolution must recite the actions that the school district has taken to comply. Upon adoption and transmission of such resolution to the superintendent of public instruction, the district shall be authorized to assign each such classroom teacher affected to the proposed out-of-

endorsement assignment until the state board of education makes its determination under (c) of this subsection.

(b) The superintendent of public instruction presents the resolution at a meeting of the state board of education and documents to the board the stated efforts of the district.

(c) The state board of education determines, based on the evidence received, that a good faith effort to comply has been made.

WSR 93-07-104
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed March 23, 1993, 10:47 a.m.]

Date of Adoption: March 19, 1993.

Purpose: Amendments allow the Office of Superintendent of Public Instruction to grant a waiver of site size to school districts when the site size for new construction and modernization is between 70% and 100% of the minimum prescribed acreage.

Citation of Existing Rules Affected by this Order: Amending WAC 180-26-020.

Statutory Authority for Adoption: RCW 28A.525.020.

Other Authority: Section 24 (8)(e), chapter 233, Laws of 1992.

Pursuant to notice filed as WSR 93-04-118 on February 3, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Dr. Monica Schmidt

Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 91-12-057, filed 6/5/91, effective 7/6/91)

WAC 180-26-020 Site conditions—Acceptance criteria. The superintendent of public instruction shall conduct an on-site review and evaluation of a proposed site in the case of new construction and an existing site in the case of modernization. The superintendent of public instruction shall accept a site that meets the following conditions:

(1) The school district provides certification by legal counsel retained by the district that the property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the school facility;

(2) The minimum acreage of the site shall be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. In computing the minimum acreage of the site, the district may include public property in close proximity to the site if, as a matter of public policy the property is available for school purposes and the district is committed to using such facilities: Provided, That for sites having seventy percent or more but less than one-hundred percent of the usable acreage as required above, the superintendent of public instruction may grant a site size waiver when, as part of the on-site review and evaluation process, the district provides a mitigation plan and demon-

strates that the requirements of (a) through (d) of this subsection have been met: Provided further, That a site consisting of less than the minimum usable acreage calculated as per the provisions of this subsection shall be approved by the state board of education if the district demonstrates the following:

(a) The health and safety of the students are not in jeopardy;

(b) The internal spaces within the proposed facility are adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated is not detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational programs on the school site are compatible with less than the minimum prescribed acreage(±).

(3) That the school district has contacted the appropriate local building authorities and requested a predesign conference;

(4) The school district has retained the services of a geotechnical engineer for the purpose of conducting a limited subsurface investigation to gather basic information regarding potential foundation performance and a report has been reviewed by the school district board of directors;

(5) The site has been approved by the following agencies:

(a) The health agency having jurisdiction;

(b) The local planning commission or authority having jurisdiction; and

(c) The state department of ecology.

WSR 93-07-105
PERMANENT RULES
DEPARTMENT OF AGRICULTURE

[Order 4019—Filed March 23, 1993, 11:10 a.m.]

Date of Adoption: March 23, 1993.

Purpose: To generate funds for Washington state's 1993 apple maggot survey and detection program through a temporary assessment on fresh apple shipments.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-210.

Statutory Authority for Adoption: Chapters 15.17 and 17.24 RCW.

Pursuant to notice filed as WSR 93-04-103 on February 2, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Peter J. Goldmark

Director

AMENDATORY SECTION (Amending WSR 92-06-022, filed 2/25/92, effective 3/27/92)

WAC 16-400-210 Other charges. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges—The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section except as otherwise provided in subsection (13) of this section.

(4) Seed sampling fees shall be arranged with the plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents

shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide nonprofit organizations: *Provided*, That shipping containers shall be conspicuously labeled or marked as "not for resale."

(13) For apple pest certification by survey method; (~~one cent~~) \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards. Such fee shall (~~terminate on August 14, 1992~~) apply from February 1 to May 31, 1993.

WSR 93-07-108

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board of Dental Examiners)

[Order 350B—Filed March 23, 1993, 1:42 p.m.]

Date of Adoption: January 29, 1993.

Purpose: To clarify existing rules for licensing without examination program.

Citation of Existing Rules Affected by this Order: Amending WAC 246-818-120 and 246-818-140.

Statutory Authority for Adoption: RCW 18.32.035.

Pursuant to notice filed as WSR 93-01-025 on December 7, 1992.

Changes Other than editing from proposed to Adopted Version: A substantive change was made to WAC 246-818-130, requiring another hearing, which is set for April 30, 1993.

Effective Date of Rule: Thirty-one days after filing.

January 29, 1993
David W. Hanson, DDS
Chairman

AMENDATORY SECTION (Amending Order 228B, filed 12/19/91, effective 1/19/92)

WAC 246-818-120 Licensure without examination for dentists—Eligibility. The Washington board of dental examiners may grant licensure without an examination to dentists licensed in other states who:

- (1) Have graduated from an educational program approved by the board of dental examiners; provided that graduates of non-accredited schools must meet the requirements of WAC 246-818-090.
- (2) Have successfully completed Parts I and II of the National Dental Board examination.
- (3) ~~((Have been issued a))~~ Hold an active license, registration or certificate to practice dentistry, without restrictions, in another state, obtained by successful completion of an examination, if the other state's current licensing standards are substantively equivalent to the licensing standards of the state of Washington. The board of dental examiners will determine if the other state's current licensing standards are substantively equivalent to licensing standards in this state, pursuant to WAC 246-818-140.
- (4) Are currently ~~((engaged in the practice of))~~ practicing clinical dentistry in another state pursuant to WAC 246-818-130(11).
- (5) Have completed the AIDS education requirement defined in WAC 246-818-080.
- (6) Are certified as having been licensed by the state board(s) of dentistry in all the state(s) in which the applicant has held a dental license.
- (7) Have completed the jurisprudence requirement as determined by the Washington board of dental examiners.
- (8) Participate in a personal interview with the board, if requested by the Washington board of dental examiners.

AMENDATORY SECTION (Amending Order 101B, filed 12/6/90, effective 1/31/91)

WAC 246-818-140 Licensure without examination for dentists—Licensing examination standards. An applicant is deemed to have met Washington state examination standards if either subsection (1) or (2) ((below)) of this section is met:

- (1) The state in which the applicant received a license, following successful completion of an examination, currently administers or subscribes to an examination, which includes all components listed in subsection (2)(a) of this section and at least ~~((three))~~ two of the components listed in subsection (2)(b) ((below)) of this section.
- (2) The applicant provides documentation that he/she has successfully completed an examination in another state which included all of the components listed in (a) of this subsection and at least ~~((three))~~ two of the components listed in (b) ~~((below))~~ of this subsection.
- (a) The applicant must have successfully completed an examination which included/includes the following components:
 - ~~((i-))~~ (i) Oral diagnosis and treatment planning, written or clinical test.

- ~~((ii-))~~ (ii) Class II amalgam test on a live patient.
- ~~((iii-))~~ Class II cast gold test, up to and including a 3/4 crown, on a live patient-)) (iii) Cast gold test on a live patient restoring at least one proximal surface, from a Class II inlay up to and including a full cast crown.
- ~~((iv-))~~ (iv) Periodontal test on a live patient to include a documentation and patient evaluation as well as scaling and root planing of at least one quadrant.
- ~~((v-))~~ (v) Use of a rubber dam during ~~((grading of))~~ restorative ((tests)) procedures.
- ~~((vi-))~~ (vi) Removable prosthodontics written or clinical test.
- (b) The examination included/includes at least ~~((three))~~ two of the following characteristics or components:
 - ~~((i-))~~ (i) Standardization and calibration of examiners.
 - ~~((ii-))~~ Lab work completed by candidate and graded-
 - ~~((iii-))~~ (ii) Anonymity ~~((of))~~ between candidates and grading examiners.
 - ~~((iv-))~~ (iii) Endodontic test which requires the obturation of at least one canal.
 - ~~((v-))~~ Gold foil test.
 - ~~((vi-))~~ (iv) Other clinical procedures~~((-))~~ (i.e., composite, gold foil.)

The board will publish a list of states or regional licensing examinations which on the date of publication of the list are considered to be substantively equivalent to the Washington state dental licensing examination. The list will be periodically updated and available upon request.

**WSR 93-07-113
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION**
(Division of Banking)
[Filed March 23, 1993, 4:10 p.m.]

Date of Adoption: March 23, 1993.

Purpose: Updating WAC 50-48-100 to add states that possess acceptable reciprocal interstate acquisition statutes with Washington.

Citation of Existing Rules Affected by this Order: Amending WAC 50-48-100.

Statutory Authority for Adoption: RCW 30.04.232 (1)(c).

Pursuant to notice filed as WSR 93-05-052 on February 17, 1993.

Effective Date of Rule: Thirty-one days after filing.
March 23, 1993

John L. Bley
Supervisor of Banking

AMENDATORY SECTION (Amending Order 68, filed 6/9/87)

WAC 50-48-100 Interstate acquisition reciprocity—States possessing. The supervisor of banking, having reviewed the laws of the following states as they relate to a domestic (Washington) bank holding company acquiring more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association the principal operations of

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which are conducted within such states, has determined, pursuant to RCW 30.04.232, that the laws of such states allow a domestic bank holding company to acquire a bank, trust company, or national banking association, the principal operations of which are conducted within such states, and permit the operation of the acquired bank, trust company, or national banking association within such states on terms and conditions no less favorable than other banks, trust companies, or national banking associations doing a banking business within such states: (1) Alaska, (2) Arizona, (3) California, (~~(4)~~) (4) Colorado, (5) Connecticut, (6) Idaho, (~~(7)~~) (7) Illinois, (8) Kentucky, (9) Louisiana, (10) Maine, (11) Massachusetts, (12) Michigan, (13) Nebraska, (14) Nevada, (15) New Hampshire, (16) New Jersey, (17) New Mexico, (18) New York, (~~(19)~~) (19) North Dakota, (20) Ohio, (21) Oklahoma, (22) Oregon, (23) Pennsylvania, (24) Rhode Island, (25) South Dakota, (26) Tennessee, (27) Texas, (28) Utah, (29) Vermont, (30) West Virginia, and (31) Wyoming.

Other states not listed shall be reviewed on a case-by-case basis.

WSR 93-07-116

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 92-60—Filed March 24, 1993, 8:08 a.m.]

Date of Adoption: March 23, 1993.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-2401 City of Port Townsend shoreline master program.

Statutory Authority for Adoption: RCW 90.58.200 Shoreline Management Act of 1971.

Pursuant to notice filed as WSR 93-01-088 on December 16, 1992.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1993

Mary Riveland
Director

AMENDATORY SECTION (Amending Order DE 88-56 and DE 88-56A, filed 3/31/89 and 3/14/90, effective 4/14/90)

WAC 173-19-2401 Port Townsend, city of. City of Port Townsend master program approved December 20, 1974. Revision approved March 7, 1989. Approved for adoption March 23, 1993.

WSR 93-07-119

PERMANENT RULES

CRIMINAL JUSTICE

TRAINING COMMISSION

[Filed March 24, 1993, 10:58 a.m.]

Date of Adoption: March 18, 1993.

Purpose: To establish uniform process and requirements for academy readmission to any student failing to satisfactorily complete academy program.

Citation of Existing Rules Affected by this Order: Amending WAC 139-10-220, to be amended by commission on June 17, 1993.

Statutory Authority for Adoption: RCW 43.101.080(2). Pursuant to notice filed as WSR 93-03-085 on January 19, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 22, 1993

James C. Scott
Executive Director

NEW SECTION

WAC 139-10-222 Readmission to corrections academies No person may be readmitted to any corrections training academy except as provided in this section.

(1) Any request for readmission to any academy shall be made and submitted by the individual's employing or sponsoring agency.

(2) Any individual terminated from any academy for academic failure or who has voluntarily withdrawn from any academy for any reason, may be readmitted to a subsequent academy session only if:

(a) the head of the individual's current employing agency submits to the Commission a written request for readmission of the individual to the academy program, and

(b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met.

(3) Any individual dismissed from any academy for disciplinary reasons other than those specified by section (4), below, may be readmitted to a subsequent academy program only if:

(a) the head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) The executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(4) Any person dismissed from any academy for an integrity violation, including but not limited to cheating, the making of materially false statements, or the commission of any crime involving moral turpitude, shall not be eligible for readmission to any subsequent academy within twenty-four (24) months from the date of dismissal. Such ineligibility shall not be affected by any new employment or reemployment during the period of ineligibility specified in the preceding sentence of this subsection.

(5) An exception to the ineligibility period specified in subsection (4) may be granted in the sole discretion of the director, based upon mitigating circumstances. However, no person may be considered for such early readmission after an integrity violation dismissal unless a written request is made on his or her behalf by the head of the agency employing the individual at the time of the request. Such request may be granted by the director upon hearing the matter in a proceeding conducted in accordance with the applicable procedures of the commission. The director's decision under

this subsection shall be subject to further review only for abuse of discretion.

(6) After the ineligibility period specified in subsection (4) has passed, or after an exception thereto has been granted by the commission under subsection (5), the person previously dismissed for an integrity violation may be readmitted to a subsequent academy session only if:

(a) the head of the individual's current employing agency submits to the commission a written request for readmission, and

(b) the executive director of the commission, or his or her designee, is satisfied that any conditions to the individual's readmission specified by the director or his or her designee have been met, and determines there no longer exists "good cause" to exclude the individual from the academy program.

(7) Any and all information deemed to be relevant to the eligibility for readmission under this section of any law enforcement or corrections trainee or prospective trainee may be disseminated without restriction between the commission staff and any employer or prospective employer.

(8) For purposes of this section, reserves and volunteers will be deemed to be employees of the agencies which sponsor them for participation in a training academy.

**WSR 93-07-125
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3528—Filed March 24, 1993, 11:58 a.m.]

Date of Adoption: March 24, 1993.

Purpose: Provides reasons for a base period to be shortened from the standard three months. Deletes reference to notification covered under WAC 388-84-110. Deletes reference to change of circumstances already covered under WAC 388-85-105. Deletes redundant language.

Citation of Existing Rules Affected by this Order: Amending WAC 388-99-055 Base period.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 93-04-089 on February 1, 1993.

Changes Other than Editing from Proposed to Adopted Version: Removed part of subsection (6) beginning with the end of the first sentence, e.g., ". The department shall certify a client"; and two sentences in subsection (6) now read as only one sentence.

Effective Date of Rule: Thirty-one days after filing.

March 24, 1993
Rosemary Carr
Acting Director
Administrative Services

AMENDATORY SECTION (Amending Order 2206, filed 2/13/85)

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

~~chosen certification period))~~ which shall begin with the month of application. The department shall use a complete base period unless:

(a) A previous certification period overlaps; or

(b) The client is not resource eligible for the full base period; or

(c) The client is not categorically related for the full base period; or

(d) The client becomes eligible for categorically needy Medicaid.

~~((An applicant))~~ A client shall not be certified for ~~((no))~~ more than six months.

~~((An applicant))~~ When countable income is greater than the appropriate medically needy income level (MNIL), the department shall require the client to spenddown the excess countable income for the base period.

(4) The department shall certify a client who is required to spenddown ~~((shall be certified))~~ from the day the client meets the spenddown requirement ~~((is met))~~ through the last day of the ~~((three month or six month))~~ chosen base period ~~((which began with the month of application)).~~

~~((4-If))~~ (5) The department shall certify a client who is required to spenddown from the first day of the month spenddown is met when the client has incurred hospital expenses equal to the spenddown liability.

(6) When the client requests retroactive medical coverage ~~((is requested))~~ at the time of application, the department shall certify a ~~((spenddown applicant shall be certified))~~ client with spenddown from the day the spenddown requirement was met through the last day of the ~~((three month))~~ period which ~~((began))~~ may begin up to three months ~~((prior to))~~ before the application month ~~((of application))~~ unless exceptions in subsections (1)(a), (b), (c), or (d) of this section exist.

~~((5))~~ (7) The department shall require an application ~~((is required))~~ for any subsequent period of eligibility for ~~((LCP-MN))~~ the medically needy program.

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

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

~~((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 93-07-126
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3529—Filed March 24, 1993, 11:59 a.m.]

Date of Adoption: March 24, 1993.

Purpose: Federal regulations do not require a vehicle to be "used and useful" in order to qualify for the exemption of a vehicle with an equity value of \$1,500 or less. This rule is being amended to ensure that requirements are not more

PERMANENT

restrictive than the federal regulations which govern this resource exemption.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values.

Statutory Authority for Adoption: RCW 74.04.040.

Other Authority: 45 CFR 233.20 (a)(3)(i)(B)(2).

Pursuant to notice filed as WSR 93-05-004 on February 4, 1993.

Effective Date of Rule: Thirty-one days after filing.

March 24, 1993

Rosemary Carr

Acting Director

Administrative Services

AMENDATORY SECTION (Amending Order 3423, filed 7/23/92, effective 8/23/92)

WAC 388-28-435 Effect of resources on financial need—Personal property exemptions—Ceiling values. (1) Resources shall not exceed one thousand dollars per household regardless of size. The department shall consider cash, marketable securities, cash discount value of real estate or chattel mortgages, sales contracts, cash surrender value of life insurance, excess equity value of vehicles, value of nonexempt property, and any other resources not specifically exempt.

(2) Regardless of value, the department shall exempt household furnishings and personal clothing essential for daily living. The department shall not exempt household furnishings and personal clothing in storage without evidence that these items are essential for daily living.

(3) The department shall exempt term or burial insurance up to an equity value of one thousand five hundred dollars per household member.

(4) The department shall exempt one cemetery plot for each assistance household member.

(5) The department shall exempt one (~~used and useful~~) vehicle with an equity value of one thousand five hundred dollars or less.

(6) The department shall consider an income tax refund a resource in the month received. "Income tax refund" means a payment received from a state or from the United States Internal Revenue Service (IRS) representing a refund of taxes previously paid. The earned income tax credit portion of the refund is considered a resource in the second month following the month of receipt.

PERMANENT

WSR 93-07-001
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 93-13—Filed March 3, 1993, 4:21 p.m.]

Date of Adoption: March 3, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-33-01000P; and amending WAC 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable spring chinook salmon are available in the Columbia River. An incidental take statement has been issued by the NMFS as required under the Endangered Species Act. This rule is consistent with the actions of the March 3, 1993, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

March 3, 1993
 Judith Freeman
 Deputy
 for Robert Turner
 Director

NEW SECTION

WAC 220-33-01000Q Columbia River salmon seasons below Bonneville. Notwithstanding the provisions of WAC 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, and that portion of SCMRA 1D downstream from Kelley Point at the mouth of the Willamette River, except as provided in the following subsections.

FISHING PERIODS

(1) 6:00 p.m. March 3, 1993 to 6:00 p.m. March 5, 1993.

GEAR

(2) It is unlawful to fish for salmon, shad and sturgeon with gill net gear that:

- (a) exceeds 1,500 feet in length along the corkline;
- (b) is constructed of monofilament webbing;
- (c) has webbing with a mesh size of less than 8 inches or more than 9-1/4 inches; or

(d) has lead or weight on the leadline that exceeds two pounds in any one fathom, measurement to be taken along the corkline of the net.

(3) It is unlawful to gaff a sturgeon.

(4) White sturgeon less than 48 inches or greater than 66 inches may not be retained for commercial purposes and shall be returned immediately to the water. The length of a sturgeon is the shortest distance between the tip of the nose and the extreme tip of the tail measured while the fish is lying on its side on a flat surface with its tail in a normal position.

SANCTUARIES

(5) During the season provided for in subsection 1 of this section, the following sanctuaries, as defined in WAC 220-33-005, are closed to fishing:

- (a) Grays Bay
- (b) Elokomin-A
- (c) Kalama-A
- (d) Lewis-A
- (e) Cowlitz
- (f) Gnat Creek

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

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-33-01000P Columbia River salmon seasons below Bonneville. (93-10)

WSR 93-07-006
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 93-12—Filed March 4, 1993, 4:21 p.m., effective March 10, 1993, 11:59 p.m.]

Date of Adoption: March 4, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07300N.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The green sea urchin quota will have been met.

Effective Date of Rule: March 10, 1993, 11:59 p.m.

March 4, 1993
 Judith Freeman
 Deputy
 for Robert Turner
 Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. March 10, 1993:

WAC 220-52-07300N Sea urchins. (93-03)

EMERGENCY

WSR 93-07-017
EMERGENCY RULES
OFFICE OF THE
ATTORNEY GENERAL
 [Filed March 8, 1993, 10:42 a.m.]

Date of Adoption: March 1, 1993.

Purpose: Amend WAC 44-10-030 to permit submission of request for arbitration form with Lemon Law Administration personnel in Spokane office of the attorney general.

Citation of Existing Rules Affected by this Order: Amending WAC 44-10-030 Arbitration requests.

Statutory Authority for Adoption: RCW 19.118.080 (2) and (7).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Amendment of WAC 44-10-030 to allow immediate acceptance of consumers' requests for arbitration received by the Lemon Law Administration in the Spokane office of the attorney general will further the statutory interests of prompt review of lemon law arbitration requests.

Effective Date of Rule: Immediately.

March 1, 1993
 Christine O. Gregoire
 Attorney General

AMENDATORY SECTION (Amending Order 87-4, filed 12/22/87)

WAC 44-10-030 Arbitration requests. A consumer must submit a completed request for arbitration form with copies of supporting documentation to the Attorney General's Office, Lemon Law Administration in Seattle or Spokane, in order to apply for the new motor vehicle arbitration process. The request for arbitration form will be supplied, upon request, by the attorney general's office.

WSR 93-07-019
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3521—Filed March 8, 1993, 10:55 a.m., effective March 9, 1993]

Date of Adoption: March 8, 1993.

Purpose: This amendment makes Washington state health and safety standards for in-home child care consistent with the federal child care and development block grant (CCDBG) rules.

Citation of Existing Rules Affected by this Order: Amending WAC 388-15-170 General and seasonal child day care services.

Statutory Authority for Adoption: RCW 74.12.340.

Other Authority: 45 CFR Part 98.41 Child care and development block grant.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The CCDBG requires assurances by states that certain health and safety standards are in place for each type of care, including unregulated care. These WAC changes are consistent with CCDBG rules.

Effective Date of Rule: March 9, 1993.

March 8, 1993
 Rosemary Carr
 Acting Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3393, filed 5/19/92, effective 6/19/92)

WAC 388-15-170 General and seasonal child day care services. (1) The department may approve child day care funding to facilitate care, protection, and related services for a child twelve years of age or younger. The department may approve special needs child care for a child((:

(a)) nineteen years of age or younger who is physically or mentally incapable of caring for himself or herself, as verified by the state ((based on a determination by a physician or a licensed or certified psychologist; or

(b) Who is under court supervision)), supported by medical documentation.

(2) The department shall only fund child day care during the portion of the twenty-four-hour day when neither of the child's parents or guardians are able to provide necessary care and supervision. The department may authorize child day care services for the following reasons:

(a) Parents, or parent ((is)) in a single-parent household, are employed and ((is)) are not ((an)) aid ((for)) to families with dependent children (AFDC) grant recipients;

(b) Parents, or parent ((is)) in a single-parent household, are employed and receiving AFDC;

(c) Parents, or parent ((is)) in a single-parent household, are receiving AFDC and ((is)) are enrolled in job opportunity and basic skills (JOBS);

(d) School-aged parent is enrolled in an approved secondary education or GED program;

(e) Parent and/or child are in need of treatment or support as part of a child protective or child welfare services case plan. Such services may include, but are not limited to, those provided by a professional child welfare or educational agency; or

(f) The child is receiving an AFDC grant and lives with a nonresponsible relative who is not receiving an AFDC grant and is employed.

(3) The department shall limit goals for general child day care services as specified ((in)) under WAC 388-15-010 (1)(a), (d), ((and)) (e), and (2). ((Also see WAC 388-15-010(2).))

(4) The department may purchase child day care, except for seasonal farmworker child care, within available funds for families:

(a) With gross income equal to or below thirty-eight percent of the state median income adjusted for family size

(SMIAFS). These families pay the provider a minimum monthly co-payment toward the cost of child day care;

(b) With gross income above thirty-eight and at or below fifty-two percent of the SMIAFS. The family shall pay to the child day care provider part of ~~((their))~~ the family's gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(c) In need of child day care as an integral part of a child protective or child welfare service plan. The department shall provide such service without regard to family income up to seventy-five percent SMIAFS.

(5) The department may purchase seasonal child day care within available funds for children who are members of family units residing in Washington state where:

(a) Both parents, or the single parent (in the case of the one-parent family), are currently employed or seeking work in agriculturally related work;

(b) ~~((At least))~~ Fifty percent or more of the family's annual income is derived from agriculturally related work;

(c) In a two-parent household, the primary wage earner has more than one agricultural employer per year; in a one-parent household, the single parent has more than one agricultural employer per year;

(d) Family gross income for the past twelve months does not exceed thirty-eight percent of the state median income adjusted for family size (SMIAFS). ~~((These families))~~ The family shall pay the provider a minimum monthly co-payment toward the cost of child day care. ((Families)) The family with gross income above thirty-eight percent and at or below fifty-two percent of the SMIAFS shall pay the child day care provider fifty percent of ((their)) the family's average gross monthly income above the thirty-eight percent SMIAFS toward the cost of child day care; and

(e) Failure of parents to meet the requirements of subsection ~~((4))~~ (5)(b) and ~~((e))~~ (d) of this section due to status within the past year as an AFDC recipient shall not result in ineligibility for seasonal child care.

(6) The department shall establish waiting lists, if necessary, to ensure child day care services, under WAC 388-15-170, are provided within legislatively appropriated funds.

(7) The department shall consider in-home care or relative, relative's home care as the care and supervision of a child:

(a) By a relative in the child's own home or a relative's home; or

(b) In ~~((their))~~ the child's own home with an unrelated person.

(8) When the ~~((department approves an))~~ parent or guardian chooses in-home care or relative, relative's home ~~((child))~~ care ((plan at)), ~~((request of a parent, the caretaker))~~ parent or guardian shall ((meet)) make the following ~~((minimum qualifications and fulfill the following responsibilities))~~ assurances:

(a) The in-home caretaker shall meet the following minimum qualifications:

(i) Be eighteen years of age or older;
~~((b))~~ (ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year;

~~((e))~~ (iii) Be of sufficient physical, emotional, and mental health to meet the needs of the ((children)) child in care((; d)). Subject to the discretion of the social worker,

the ~~((caretaker))~~ parent or guardian shall provide written evidence to the department that ((such)) the caretaker of the parent's or guardian's choice is in sufficient physical, emotional, and mental health to be a safe caretaker;

~~((e))~~ (iv) Be able to work with ((children)) the child without using corporal punishment or psychological abuse;

~~((f))~~ (v) Be able to accept and follow instructions;

~~((g))~~ (vi) Be able to maintain personal cleanliness;

~~((h))~~ (vii) Be prompt and regular in job attendance;

~~((i))~~ and

(viii) Meet the department's in-home caretaker registration requirement((; j)). Parents or guardians are required to provide the caretaker's name and address to the department. This registration is done at the time child care is authorized.

(b) The in-home caretaker's primary function while on duty is that of child caretaker. The in-home caretaker shall have the following responsibilities:

~~((Consider his or her primary function as that of child day care provider;~~

~~((i))~~ Provide constant care and supervision of the ((children)) child for whom ((they are)) the caretaker is responsible throughout the time ((they are)) the caretaker is on duty in accordance with the ((children's)) needs of the child; and

~~((iii))~~ (ii) Provide developmentally appropriate activities for ((children)) the child under ((their)) the caretaker's care.

(c) The child is current on the immunization schedule;

(d) The parent's or guardian's home or the relative's home is safe for the care of the child; and

(e) The in-home or relative caretaker is informed about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

The parent or guardian shall make assurances described under subsection (8) of this section at the time child care is authorized. The child care authorizing worker shall provide the parent or guardian with information about basic health practices, prevention, and control of infectious disease, immunizations, and building and physical premises safety relevant to the care of the child.

(9) Payment standards for child day care. The department shall establish maximum child care rates taking into consideration prevailing community rates.

(a) When the parent or guardian chooses in-home care or relative, relative's home care, the parent or guardian shall receive payment for the cost of child day care and shall pay the ~~((provider))~~ caretaker according to the amount specified in the approved child care plan.

(b) The in-home, or relative, relative's home ~~((care provider))~~ caretaker shall sign a receipt at the time payment is received. The parent must retain the payment receipt for review by the authorizing worker at the time of the next eligibility determination.

(c) If total payments to an in-home provider are fifty dollars or more in any one quarter, the department shall add the employer's share of the Federal Insurance Contributions Act (FICA) tax to the amount authorized for in-home care.

(d) Payment for child day care by relative. The department shall not allow payment for child care services by the following relatives: Father, mother, brother, sister,

stepfather, stepmother, stepbrother, or stepsister, except for adult siblings residing outside the child's home.

~~((e) A child is eligible for Employment Child Care subsidies when:~~

- ~~(i) The child receives an AFDC grant;~~
~~(ii) The child lives with a nonresponsible relative;~~
~~(iii) The relative does not receive an AFDC grant; and~~
~~(iv) The relative is employed.))~~

WSR 93-07-022

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Filed March 8, 1993, 1:29 p.m.]

Date of Adoption: March 8, 1993.

Purpose: Broaden the department's authority to delegate the function of presiding officer to better handle the adjudicative hearings conducted by the department.

Citation of Existing Rules Affected by this Order: Amending WAC 16-08-021, 16-08-141, and 16-08-151.

Statutory Authority for Adoption: RCW 34.05.425.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The department currently has difficulties when handling certain adjudicative cases under its purview due to the existing structure of "presiding officers." This rule amendment will clear up those difficulties identified and the department will continue on with its case log.

Effective Date of Rule: Immediately.

March 8, 1993

Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-021 Presiding officer. (1) The director will designate the presiding officer for an adjudicative proceeding:

(a) In matters involving an adjudicative proceeding, the director may designate as presiding officer an administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW, or the deputy director;

(b) In matters involving ((a)) an emergency or brief adjudicative proceeding or involving a proceeding pursuant to WAC 16-08-022, the director may designate ((an assistant director)) in writing staff persons to function as the presiding officer. ~~((In matters involving emergency adjudicative proceedings the director may designate an assistant director, the deputy director, or the deputy director's assistant as presiding officer.))~~

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of

such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer shall have the authority to:

- (a) Determine the order of presentation of evidence;
 (b) Administer oaths and affirmations;
 (c) Issue subpoenas;
 (d) Rule on procedural matters, objections, and motions;
 (e) Rule on offers of proof and receive relevant evidence;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(h) Take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(j) Take any other action necessary and authorized by any applicable statute or rule;

(k) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

NEW SECTION

WAC 16-08-022 Consolidation of proceedings. The department may consolidate an emergency adjudicative proceeding with an adjudicative proceeding on the merits.

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-141 Brief adjudicative proceedings. (1) Pursuant to RCW 34.05.482, the department will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Actions taken by the agency based on the failure:
 (i) To maintain, supply, or display records; and/or
 (ii) To display evidence of a license; and/or
 (iii) To display or post information required by law; and/or
 (iv) To possess required insurance, bonding or other security.

(b) Actions taken with respect to late application renewal fees.

(c) Actions taken with respect to certificate of compliance agreements under WAC 16-461-010.

(d) Actions taken with respect to sale permits pursuant to RCW 15.13.270.

(e) Actions taken to revoke certification of plant material as foundation or breeder planting stock pursuant to RCW 15.14.110.

(f) Penalty actions taken with respect to cattle breed name use.

(g) Penalty actions taken against milk producers pursuant to RCW 15.36.115 or 15.36.595.

(h) Dairy degrade or permit suspension actions taken pursuant to ~~((RCW 15.36.595))~~ chapter 15.36 RCW.

- (i) Actions taken with respect to licenses for sale of milk for animal food pursuant to RCW 15.37.030 et seq.
- (j) Actions taken with respect to registration of commercial feed pursuant to RCW 15.53.9036(;;).
- (k) Actions taken with respect to pesticide registration under RCW 15.58.110.
- (l) Actions taken with respect to organic certification pursuant to RCW 15.86.060 and/or 15.86.070.
- (m) Actions taken with respect to mushroom buyer or dealer licenses pursuant to RCW 15.90.020.
- (n) Actions taken with respect to animal health certificates pursuant to RCW 16.36.050.
- (o) Actions taken with respect to destruction or treatment of quarantined animals pursuant to RCW 16.36.090.
- (p) Actions taken with respect to licenses for garbage feeding to swine pursuant to RCW 16.36.108.
- (q) Actions taken with respect to licenses related to custom farm slaughter pursuant to chapter 16.49 RCW.
- (r) Actions taken with respect to licenses related to custom meat facilities pursuant to chapter 16.49 RCW.
- (s) Actions taken with respect to approval of livestock pens within feedlots pursuant to RCW 16.58.080.
- (t) Actions taken with respect to certified feed lot licenses pursuant to RCW 16.58.130.
- (u) Actions taken with respect to seizure and destruction of incorrect weights and measures pursuant to RCW 19.24.250.
- (v) Actions taken with respect to licenses of grain dealers or warehousemen pursuant to RCW 22.09.471.
- (w) Revocation of compliance agreements for the completion of state phytosanitary, sanitation, or brown garden snail certificates pursuant to chapters 15.13 and 17.24 RCW.
- (x) Revocation of compliance agreements for preprinting or use of rubber stamps for nursery stock inspection certificates pursuant to chapter 15.13 RCW.
- (y) Revocation of compliance agreements for root sampling of nursery stock pursuant to chapter 15.13 RCW. Plant Certification
- (aa) Agency refusal to certify seed stocks because of misleading or confusing labeling pursuant to chapter 15.60 RCW and WAC 16-316-345.
- (bb) Rescinding of permit for seed conditioning pursuant to chapter 15.60 RCW and WAC 16-316-185(8).
- (cc) Expulsion from or refusal to allow entry into a seed or plant certification program pursuant to chapters 15.60 and 15.13 RCW.
- (2) A party to a brief adjudicative hearing has twenty days to file an application or request from the date of service of the department's notice of intent to take action. The application or request for a brief adjudicative hearing shall be filed at the address listed on the form provided by the department. The party filing the application or request for a brief adjudicative proceeding shall submit a written explanation of their view of the matter along with the application or request. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. Copies of the response shall be served on all parties. Oral statements may be submitted and considered as follows:

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, it should be requested in the application or request.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The decision on an application shall be expressed in a written order which shall be served upon all parties within ten days after entry.

(4) The presiding officer's written decision is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) The reviewing officer shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the director receives the request within twenty-one days from the service of the initial order. If no request is filed in a timely manner, the reviewing officer may review, on his or her own motion, an order resulting from a brief adjudicative proceeding and adopt, modify, or reject the initial order; but the reviewing officer shall not take any action on review less favorable to any party without giving that party notice and opportunity to explain his or her view of the matter.

(6) A request for review of an initial order shall contain an explanation of the party's view of the matter and a statement of reasons why the initial order is incorrect. The request for review shall be filed with the director and copies shall be served on all parties, and evidence of such service filed. Responses to a request for review of an initial order shall be filed with the director and served on all parties within ten days after service of the request for review.

(7) The order on review shall be in writing, shall include a brief statement of the reasons for the decision, and shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(8) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding and/or by the reviewing officer for any review.

AMENDATORY SECTION (Amending WSR 91-23-051, filed 11/15/91, effective 12/16/91)

WAC 16-08-151 Emergency adjudicative proceedings. (1) Pursuant to RCW 34.05.479, the department shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the department. Such situations shall include:

(a) Failure to possess required insurance, bonding or other security.

(b) Health, safety, or welfare violations when the violation involves an immediate danger to the public health, safety, or welfare, including, but not limited to, decisions by the department to condemn horticultural plants under chapter 15.13 RCW; or to condemn infested or infected articles under chapter 15.08 RCW; or to issue stop sale, use, or removal order under chapter 15.49 RCW; or to quarantine apiaries under chapter 15.60 RCW; or to ~~((condemn or))~~ impound infested, infected, or regulated articles pursuant to chapter 17.24 RCW; or to close food processing facilities under chapter 69.07 RCW; or under rules or regulations of the director adopted pursuant to such laws.

(2) The summary order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 10-08-110. The order shall also give the affected party forty-eight hours from receipt of the order to request an adjudicative proceeding on the order, or, in the alternative, the director may in the order automatically establish a date affording the affected party the opportunity to present any defense concerning why the summary order is incorrect.

(3) A decision made upon the emergency adjudicative proceeding shall be expressed in a written order which shall be served on all parties within five days after its entry. This written order is a final order.

(4) The summary order shall be effective pending disposition on the merits of the denial, suspension or revocation of authority.

**WSR 93-07-043
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 93-14—Filed March 12, 1993, 2:55 p.m., effective March 13, 1993, 12:01 a.m.]

Date of Adoption: March 12, 1993.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-069.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This regulation is needed to prevent overfishing and potential decimation of the scallop resource.

Effective Date of Rule: March 13, 1993, 12:01 a.m.

March 12, 1993
Judith Merchant
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-06900A Scallop fishery. Notwithstanding the provisions of WAC 220-52-069, effective immediately until further notice it is unlawful to fish for or possess scallops taken for commercial purposes in coastal waters except as provided for in this section:

(1) Effective 12:01 a.m., March 13, 1993, it is unlawful to fish for scallops in Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 58A, 59B or 60A.

(2) Effective 12:01 a.m., March 15, 1993, it is unlawful to transport through the waters of the state or land in any Washington State port scallops taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B or 60A.

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

**WSR 93-07-052
EMERGENCY RULES
DEPARTMENT OF HEALTH
(Board of Health)**

[Order 345B—Filed March 15, 1993, 1:34 p.m.]

Date of Adoption: March 10, 1993.

Purpose: To clarify that housing built before May 3, 1969, must also meet standards in chapter 246-358 WAC to concur with a recent AAG interpretation of the board's statutory authority.

Citation of Existing Rules Affected by this Order:
Amending WAC 246-358-001.

Statutory Authority for Adoption: RCW 70.54.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Emergency adoption is necessary so the Department of Health can notify affected housing providers that they must meet minimum health standards of chapter 246-358 WAC prior to occupying the housing.

Effective Date of Rule: Immediately.

March 10, 1993
Sylvia Beck
Executive Director

AMENDATORY SECTION (Amending Order 326B, filed 1/12/93, effective 2/12/93)

WAC 246-358-001 Purpose and scope. (1) This chapter contains:

(a) Minimum health and sanitation requirements for temporary-worker housing adopted by the Washington state board of health in accordance with RCW 70.54.110;

(b) Procedures for applying for an operating license to provide temporary-worker housing, adopted by the Washing-

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ton state department of health in accordance with RCW 43.70.340(3); and

(c) Operating license fees as set by RCW 43.70.340(2) to cover the costs of an inspection program to ensure compliance with this chapter, adopted by the Washington state department of health.

(2) This chapter applies to temporary-worker housing (~~started on or after May 3, 1969,~~) that consists of:

- (a) Five or more dwelling units; or
- (b) Any combination of dwelling units, dormitories, or spaces that house ten or more occupants.

(3) This chapter does not apply to housing regulated by chapter 59.18 RCW, Residential Landlord-Tenant Act, or chapter 59.20 RCW, Mobile Home Landlord-Tenant Act.

WSR 93-07-060
EMERGENCY RULES
FOREST PRACTICES BOARD
 [Filed March 17, 1993, 8:31 a.m.]

Date of Adoption: February 10, 1993.

Purpose: To clarify the relationship between the Federal Endangered Species Act and the Forest Practices Act; this rule has been filed as a proposed rule with the code reviser. To protect the marbled murrelet, which was listed as a federally threatened species on October 1, 1992; the board held preproposal public meetings in January 1993 and is moving forward with developing a permanent rule proposal.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010, 222-16-080, and 222-50-020.

Statutory Authority for Adoption: RCW 76.09.040 and 34.05.350.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: For WAC 222-50-020(5), the board clarifies that compliance with the Forest Practices Act or Title 222 WAC does not ensure compliance with the federal Endangered Species Act or other federal laws; and for WAC 222-16-010 and 222-16-080 (1)(j), the department meets the requirements of WAC 222-16-080(4) by submitting to the board a proposed list of critical wildlife habitats (state) for the marbled murrelet. This species will protected during the permanent rule adoption process.

Effective Date of Rule: Immediately.

March 5, 1993
 Jennifer M. Belcher
 Commissioner of
 Public Lands

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-16-010 General definitions.* Unless otherwise required by context, as used in these regulations: "Act" means the Forest Practices Act, chapter 76.09 RCW.

"**Affected Indian tribe**" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

"**Appeals board**" means the forest practices appeals board established in the act.

"**Area of resource sensitivity**" means areas identified in accordance with WAC 222-22-050 (2)(d) or 222-22-060(2).

"**Board**" means the forest practices board established by the act.

"**Bog**" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as sphagnum moss, labrador tea, bog laurel, bog rosemary, sundews, and sedges; bogs may have an overstory of spruce and may be associated with open water.

"**Borrow pit**" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

"**Chemicals**" means substances applied to forest lands or timber including pesticides, fertilizers, and other forest chemicals.

"**Clearcut**" means a harvest method in which the entire stand of trees is removed in one timber harvesting operation. Except as provided in WAC 222-30-110, an area remains clearcut until:

It meets the minimum stocking requirements under WAC 222-34-010(2) or 222-34-020(2); and

The largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Commercial tree species**" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

"**Completion of harvest**" means the latest of:

Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: *Provided*, That delay of reforestation under this paragraph is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

"**Constructed wetlands**" means those wetlands voluntarily developed by the landowner. Constructed wetlands do not include wetlands created, restored, or enhanced as part of a mitigation procedure or wetlands inadvertently created as a result of current or past practices including, but not limited to: Road construction, landing construction, railroad construction, or surface mining.

"**Contamination**" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances

as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

"Conversion option harvest plan" means a voluntary plan developed by the landowner and approved by the local government entity indicating the limits of harvest areas, road locations, and open space.

"Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

"Critical habitat (federal)" means the habitat of any threatened or endangered species designated as critical habitat by the United States Secretary of the Interior under Sections 3(5)(A) and 4(a)(3) of the Federal Endangered Species Act.

"Critical wildlife habitat (state)" means those habitats designated by the board in accordance with WAC 222-16-080.

"Cultural resources" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

"Cumulative effects" means the changes to the environment caused by the interaction of natural ecosystem processes with the effects of two or more forest practices.

"Debris" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

"Department" means the department of natural resources.

"Eastern Washington" means the lands of the state lying east of an administrative line which approximates the change from the Western Washington timber types to the Eastern Washington timber types described as follows:

Beginning at the International Border and Okanogan National Forest boundary at the N1/4 corner Section 6, T. 40N, R. 24E., W.M., south and west along the Pasayten Wilderness boundary to the west line of Section 30, T. 37N, R. 19E.,

Thence south on range line between R. 18E. and R. 19E., to the Lake Chelan-Sawtooth Wilderness at Section 31, T. 35N, R. 19E.,

Thence south and east along the eastern wilderness boundary of Lake Chelan-Sawtooth Wilderness to the west line of Section 18, T. 31N, R. 19E. on the north shore of Lake Chelan,

Thence south on the range line between R. 18E. and R. 19E. to the SE corner of T. 28N, R. 18E.,

Thence west on the township line between T. 27N, and T. 28N to the NW corner of T. 27N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the Alpine Lakes Wilderness at Section 31, T. 26N, R. 17E.,

Thence south along the eastern wilderness boundary to the west line of Section 6, T. 22N, R. 17E.,

Thence south on range line between R. 16E. and R. 17E. to the SE corner of T. 22N, R. 16E.,

Thence west along township line between T. 21N, and T. 22N to the NW corner of T. 21N, R. 15E.,

Thence south along range line between R. 14E. and R. 15E. to SW corner of T. 20N, R. 15E.,

Thence east along township line between T. 19N, and T. 20N to the SW corner of T. 20N, R. 16E.,

Thence south along range line between R. 15E. and R. 16E. to the SW corner of T. 18N, R. 16E.,

Thence west along township line between T. 17N, and T. 18N to the SE corner of T. 18N, R. 14E.,

Thence south along range line between T. 14E. and R. 15E. to the SW corner of T. 14N, R. 15E.,

Thence south and west along Wenatchee National Forest Boundary to the NW corner of T. 12N, R. 14E.,

Thence south along range line between R. 13E. and R. 14E. to SE corner of T. 10N, R. 13E.,

Thence west along township line between T. 9N, and T. 10N to the NW corner of T. 9N, R. 12E.,

Thence south along range line between R. 11E. and R. 12E. to SE corner of T. 8N, R. 11E.,

Thence west along township line between T. 7N, and T. 8N to the Gifford Pinchot National Forest Boundary,

Thence south along Forest Boundary to SE corner of Section 33, T. 7N, R. 11E.,

Thence west along township line between T. 6N, and T. 7N to SE corner of T. 7N, R. 9E.,

Thence south along Skamania-Klickitat County line to Oregon-Washington state line.

"End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

"Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

"Even-aged harvest methods" means the following harvest methods:

Clearcuts;

Seed tree harvests in which twenty or fewer trees per acre remain after harvest;

Shelterwood regeneration harvests in which twenty or fewer trees per acre remain after harvest;

Group or strip shelterwood harvests creating openings wider than two tree heights, based on dominant trees;

Shelterwood removal harvests which leave fewer than one hundred fifty trees per acre which are at least five years old or four feet in average height;

Partial cutting in which fewer than fifty trees per acre remain after harvest;

Overstory removal when more than five thousand board feet per acre is removed and fewer than fifty trees per acre at least ten feet in height remain after harvest; and

Other harvesting methods designed to manage for multiple age classes in which six or fewer trees per acre remain after harvest.

Except as provided above for shelterwood removal harvests and overstory removal, trees counted as remaining after harvest shall be at least ten inches in diameter at breast height and have at least the top one-third of the stem supporting green, live crowns. Except as provided in WAC 222-30-110, an area remains harvested by even-aged methods until it meets the minimum stocking requirements under WAC 222-30-010(2) or 222-34-020(2) and the largest trees qualifying for the minimum stocking levels have survived on the area for five growing seasons or, if not, they have reached an average height of four feet.

"**Fen**" means wetlands which have the following characteristics: Peat soils 16 inches or more in depth (except over bedrock); and vegetation such as certain sedges, hardstem bulrush and cattails; fens may have an overstory of spruce and may be associated with open water.

"**Fertilizers**" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

"**Fill**" means the placement of earth material or aggregate for road or landing construction or other similar activities. Fill does not include the growing or harvesting of timber including, but not limited to, slash burning, site preparation, reforestation, precommercial thinning, intermediate or final harvesting, salvage of trees, brush control, or fertilization.

"**Flood level - 50 year.**" For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

"**Forest land**" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

"**Forest land owner**" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: *Provided*, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

"**Forest practice**" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- Road and trail construction;
- Harvesting, final and intermediate;
- Precommercial thinning;
- Reforestation;
- Fertilization;
- Prevention and suppression of diseases and insects;
- Salvage of trees; and
- Brush control.

"Forest practice" shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be

expected to result in damage to forest soils, timber or public resources.

"**Forest trees**" excludes trees cultivated by agricultural methods in growing cycles shorter than ten years: *Provided*, That Christmas trees are forest trees and: *Provided further*, That this exclusion applies only to trees planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees.

"**Green recruitment trees**" means those trees left after harvest for the purpose of becoming future wildlife reserve trees under WAC 222-30-020(11).

"**Herbicide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

"**Historic site**" includes:

Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or

Places associated with a personality important in history; or

Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

"**Identified watershed processes**" means the following components of natural ecological processes that may in some instances be altered by forest practices in a watershed:

- Mass wasting;
- Surface and road erosion;
- Seasonal flows including hydrologic peak and low flows and annual yields (volume and timing);
- Large organic debris;
- Shading; and
- Stream bank and bed stability.

"**Insecticide**" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

"**Interdisciplinary team**" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

"**Islands**" means any island surrounded by salt water in Kitsap, Mason, Jefferson, Pierce, King, Snohomish, Skagit, Whatcom, Island, or San Juan counties.

"**Limits of construction**" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

"**Load bearing portion**" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

"**Local government entity**" means the governments of counties and the governments of cities and towns as defined in chapter 35.01 RCW.

"**Low impact harvest**" means use of any logging equipment, methods, or systems that minimize compaction or disturbance of soils and vegetation during the yarding process. The department shall determine such equipment, methods or systems in consultation with the department of ecology.

"Merchantable stand of timber" means a stand of trees that will yield logs and/or fiber:

Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

"Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

"Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

"Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: *Provided*, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

"Other forest chemicals" means fire retardants when used to control burning (other than water), nontoxic repellents, oil, dust-control agents (other than water), salt, and other chemicals used in forest management, except pesticides and fertilizers, that may present hazards to the environment.

"Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

"Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

"Pesticide" means any insecticide, herbicide, fungicide, or rodenticide but does not include nontoxic repellents or other forest chemicals.

"Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

"Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

"Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

"Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

"Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

"Resource characteristics" means the following specific measurable characteristics of fish, water, and capital improvements of the state or its political subdivisions:

For fish and water:

Physical fish habitat, including temperature and turbidity;

Turbidity in hatchery water supplies; and

Turbidity and volume for areas of water supply.

For capital improvements of the state or its political subdivisions:

Physical or structural integrity.

If the methodology is developed and added to the manual to analyze the cumulative effects of forest practices on other characteristics of fish, water, and capital improvements of the state or its subdivisions, the board shall amend this list to include these characteristics.

"Riparian management zone" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

"Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

"Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

"Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

"Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

"Site preparation" means those activities associated with the removal of slash in preparing a site for planting and shall include scarification and/or slash burning.

"Shorelines of the state" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

"Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

"Slash" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

"Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

"Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

"Suitable marbled murrelet habitat" means timber stands with all of the following characteristics: At least 10 acres in size; within 52.25 miles of marine waters; the dominant trees average more than 150 years old; at least 40% of the dominant trees are Douglas-fir, western hemlock, or western red cedar; less than 60% of the dominant trees are silver fir or mountain hemlock; most dominant trees are greater than or equal to 32 inches dbh with a mean dominant tree diameter greater than or equal to 35 inches dbh; or any habitat containing status 1, 2, or 3 marbled murrelet sites.

"Threatened or endangered species" means all species of wildlife listed as "threatened" or "endangered" by the United States Secretary of the Interior, and all species of wildlife designated as "threatened" or "endangered" by the Washington wildlife commission.

"Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

"Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

"Watershed administrative unit (WAU)" means an area shown on the map specified in WAC 222-22-020(1).

"Watershed analysis" means, for a given WAU, the assessment completed under WAC 222-22-050 or 222-22-060 together with the prescriptions selected under WAC 222-22-070 and shall include assessments completed under WAC 222-22-050 where there are no areas of resource sensitivity.

"Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

"Western Washington" means the lands of the state lying west of the administrative line described in the definition of Eastern Washington.

"Wetland" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, bogs, fens, and similar areas. This includes wetlands created, restored, or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from wetland sites: Irrigation and drainage ditches, grass lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.

"Wetland functions" include the protection of water quality and quantity, providing fish and wildlife habitat, and the production of timber.

"Wetland management zone" means a specified area adjacent to Type A and B Wetlands where specific measures are taken to protect the wetland functions.

"Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. The term "wildlife" includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development. The term "wildlife" does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

"Wildlife reserve trees" means those defective, dead, damaged, or dying trees which provide or have the potential to provide habitat for those wildlife species dependent on standing trees. Wildlife reserve trees are categorized as follows:

Type 1 wildlife reserve trees are defective or deformed live trees that have observably sound tops, limbs, trunks, and roots. They may have part of the top broken out or have evidence of other severe defects that include: "Cat face," animal chewing, old logging wounds, weather injury, insect attack, or lightning strike. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent

species shall be considered as Type 1 wildlife reserve trees. These trees must be stable and pose the least hazard for workers.

Type 2 wildlife reserve trees are dead Type 1 trees with sound tops, limbs, trunks, and roots.

Type 3 wildlife reserve trees are live or dead trees with unstable tops or upper portions. Unless approved by the landowner, only green trees with visible cavities, nests, or obvious severe defects capable of supporting cavity dependent species shall be considered as Type 3 wildlife reserve trees. Although the roots and main portion of the trunk are sound, these reserve trees pose high hazard because of the defect in live or dead wood higher up in the tree.

Type 4 wildlife reserve trees are live or dead trees with unstable trunks or roots, with or without bark. This includes "soft snags" as well as live trees with unstable roots caused by root rot or fire. These trees are unstable and pose a high hazard to workers.

"Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92, effective 8/2/92)

WAC 222-16-080 Critical wildlife habitats (state) and critical habitat (federal) of threatened and endangered species. (1) Critical wildlife habitats (state) of threatened or endangered species and specific forest practices designated as Class IV-Special are as follows:

(a) Bald eagle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of January 1 and August 15 or 0.25 mile at other times of the year; and within 0.25 mile of a communal roosting site. Communal roosting sites shall not include refuse or garbage dumping sites.

(b) Gray wolf - harvesting, road construction, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of March 15 and July 30 or 0.25 mile from the den site at other times of the year.

(c) Grizzly bear - harvesting, road construction, aerial application of pesticides, or site preparation within 1 mile of a known active den site, documented by the department of wildlife, between the dates of October 1 and May 30 or 0.25 mile at other times of the year.

(d) Mountain caribou - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active breeding area, documented by the department of wildlife.

(e) Oregon silverspot butterfly - harvesting, road construction, aerial or ground application of pesticides, or site preparation within 0.25 mile of an individual occurrence, documented by the department of wildlife.

(f) Peregrine falcon - harvesting, road construction, aerial application of pesticides, or site preparation within 0.5 mile of a known active nest site, documented by the department of wildlife, between the dates of March 1 and July 30; or harvesting, road construction, or aerial application of pesticides within 0.25 mile of the nest site at other times of the year.

(g) Sandhill crane - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known active nesting area, documented by the department of wildlife.

(h) Northern spotted owl - Effective December 1, 1992, harvesting, road construction, or aerial application of pesticides on the 500 acres of suitable nesting, breeding, and foraging habitat surrounding the activity center of known Status 1, 2, or 3 spotted owls, documented by the department of wildlife. Prior to the above effective date, the department shall determine what constitutes critical wildlife habitat (state) for spotted owls in consultation with the department of wildlife. The department's determination shall be limited to harvesting, road construction, or aerial application of pesticides, on lands known to contain the nest or breeding grounds of Status 1, 2, or 3 spotted owls, documented by the department of wildlife.

This rule is intended to be interim and shall be changed as necessary upon completion of the northern spotted owl recovery plan, rule making under the Federal Endangered Species Act, or other federal action, or other state actions.

The department shall rely upon the department of wildlife for the determination of status based on the following definitions:

- Status 1 Pair or reproductive - the presence or response of two birds of the opposite sex where past or current reproductive activities have been documented.
- Status 2 Two birds, pair status unknown - the presence or response of 2 birds of the opposite sex where pair status cannot be determined and where at least 1 member must meet the resident single requirements.
- Status 3 Resident territorial single - the presence or response of a single owl within the same general area on 3 or more occasions within a breeding season with no response by an owl of the opposite sex after a complete survey; or multiple responses over several years (i.e., 2 responses in year one and 1 response in year two, for the same general area).

o (i) Western pond turtle - harvesting, road construction, aerial application of pesticides, or site preparation within 0.25 mile of a known individual occurrence, documented by the department of wildlife.

(j) Marbled murrelet - aerial application of chemicals or blasting within 0.25 miles of a known status 1, 2, or 3 marbled murrelet site between the dates of April 1 and September 15; and at all times of the year, harvesting or road construction in suitable marbled murrelet habitat within 0.25 mile of a known status 1, 2, or 3 marbled murrelet site documented by the department of wildlife, or within 300 feet of the outer edge of suitable marbled murrelet habitat within 0.25 mile of a known status 1, 2, or 3 marbled murrelet site documented by the department of wildlife.

This rule is intended to be interim and shall be changed as necessary upon completion of a state or federal recovery plan for the marbled murrelet.

The department shall rely upon the department of wildlife for the determination of status for marbled murrelet sites based on the following definitions:

Status 1 Nests - stands where actual nest platforms are located.

Status 2 Nest sites - stands where downy chicks or eggs or egg shells are found

Status 3 Occupied sites - stands where marbled murrelets are observed flying through, into, or out of forest canopy.

Site status determination and completion of marbled murrelet surveys shall not be a landowner responsibility.

(2) A site specific special wildlife management plan, including a bald eagle site management plan under WAC 232-12-292, developed by the landowner shall replace the critical wildlife habitats (state) listed in subsection (1) of this section when such a plan has been established in cooperation with, and approved by, the department of wildlife.

(3) The following critical habitats (federal) designated by the United States Secretary of the Interior, or specific forest practices within those habitats, have been determined to not have the potential for a substantial impact on the environment:

None listed.

(4) For the purpose of identifying forest practices which have the potential for a substantial impact on the environment with regard to threatened or endangered species newly listed by the Washington wildlife commission and/or the United States Secretary of the Interior, the department shall after consultation with the department of wildlife, prepare and submit to the board a proposed list of critical wildlife habitats (state) of threatened or endangered species. This list shall be submitted to the board within 15 days of the listing of the species. The department shall, at a minimum, consider potential impacts of forest practices on habitats essential to meeting the life requisites for each species listed as threatened or endangered. Those critical wildlife habitats (state) adopted by the board shall be added to the list in subsection (1) of this section. See WAC 222-16-050 (1)(b)(i).

(5) For the purpose of identifying any areas and/or forest practices within critical habitats (federal) designated by the United States Secretary of the Interior which do not have the potential for a substantial impact on the environment, the department shall, after consultation with the department of wildlife, submit to the board a proposed list of any forest practices and/or areas proposed for exclusion from Class IV - special forest practices. The department shall submit the list to the board within 120 days of the date the United States Secretary of the Interior publishes a final rule designating critical habitat (federal) in the Federal Register. Those critical habitats excluded by the board from Class IV - Special shall be added to the list in subsection (3) of this section. See WAC 222-16-050 (1)(b)(ii).

(6)(a) Except for bald eagles under subsection (1)(b) of this section, the critical wildlife habitats (state) of threatened and endangered species and specific forest practices designated in subsection (1) of this section are intended to be interim. These interim designations shall expire for a given species on the earliest of:

(i) The effective date of a regulatory system for wildlife protection referred to in (b) of this subsection or of substantive rules on the species.

(ii) The delisting of a threatened or endangered species by the Washington wildlife commission.

(b) The board shall examine current wildlife protection and department authority to protect wildlife and develop and recommend by May 1993 a regulatory system, including baseline rules for wildlife protection. To the extent possible, this system shall:

(i) Use the best science and management advice available;

(ii) Use a landscape approach to wildlife protection;

(iii) Be designed to avoid the potential for substantial impact to the environment;

(iv) Protect known populations of threatened and endangered species of wildlife from negative effects of forest practices consistent with RCW 76.09.010; and

(v) Consider and be consistent with recovery plans adopted by the department of wildlife pursuant to RCW 77.12.020(6) or habitat conservation plans or 16 U.S.C. 1533(d) rule changes of the Endangered Species Act.

(7) Regardless of any other provision in this section, the following are not critical wildlife habitats (state) or critical habitats (federal) for the particular species:

(a) Forest practices on lands covered by a conservation plan and permit for a particular species approved by the U.S. Fish and Wildlife Service pursuant to 16 U.S.C. 1539 (a)(2) consistent with that plan and permit; or

(b) Forest practices covered by a rule adopted by the U.S. Fish and Wildlife Service for the conservation of a particular threatened species pursuant to 16 U.S.C. 1533(d).

AMENDATORY SECTION (Amending Order 551, Resolution No. 88-1, filed 9/21/88, effective 11/1/88)

WAC 222-50-020 Other agency requirements. (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

(2) **Hydraulics project approval law**, RCW 75.20.100. A hydraulics project approval must be obtained from the department of fisheries and the department of wildlife prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-14-010.

(3) **Compliance with the Shoreline Management Act**, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of wildlife to protect

wildlife under any other statutes or regulations, or under any agreements with landowners.

(5) Federal Endangered Species Act, 16 U.S.C. 1531 et seq., and other federal laws. The federal Endangered Species Act and other federal laws may impose certain obligations on persons conducting forest practices. Compliance with the Forest Practice Act or these rules does not ensure compliance with the Endangered Species Act or other federal laws.

WSR 93-07-063
EMERGENCY RULES
DEPARTMENT OF
COMMUNITY DEVELOPMENT
[Order 93-03—Filed March 17, 1993, 1:46 p.m.]

Date of Adoption: March 15, 1993.

Purpose: To specify by rule the purposes for which moneys may be expended from the Enhanced 911 account established in the state treasury.

Statutory Authority for Adoption: RCW 38.52.540.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Enhanced 911 capability allows for faster emergency response to citizen calls in many instances. Emergency adoption of these rules allows counties that do not yet have E911 capability to receive funding for planning purposes.

Effective Date of Rule: Immediately.

March 15, 1993
Barbara B. Gooding
Director

Chapter 365-300 WAC
ENHANCED 911 FUNDING

NEW SECTION

WAC 365-300-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.540.

NEW SECTION

WAC 365-300-020 Purpose. RCW 38.52.540 establishes the enhanced 911 account in the state treasury and specifies that moneys in the account shall be used only to help implement and operate enhanced 911 state-wide. The purpose of this chapter is to specify by rule the purposes for which moneys may be expended from the enhanced 911 account.

NEW SECTION

WAC 365-300-030 Definitions. (1) "9-1-1 voice network" means all switches and circuits which provide the connection between the caller's central office and the public safety answering point.

(2) "Address" means an identification of a unique physical location by street name, number, and postal community. If applicable it also includes the identification of separately-occupied subunits, such as apartment or suite numbers, and where appropriate, other information such as building name or floor number which defines a unique physical location.

(3) "Advisory committee" means the E911 advisory committee established by RCW 38.52.530.

(4) "ALI/DMS (data management system)" means a system of manual procedures and computer programs used to create, store, and update the data required for ALI (automatic location identification) in support of enhanced 9-1-1.

(5) "Alternate routing" means a method by which 9-1-1 calls are routed to a designated alternate location if all E9-1-1 lines to a PSAP are busy.

(6) "Automatic location identification (ALI)" means a feature by which the name and address associated with the calling party's telephone number (identified by ANI feature) is forwarded to the PSAP for display.

(7) "Automatic number identification (ANI)" means a feature that allows for the automatic display of the seven-digit number used to place a 9-1-1 call.

(8) "Central office" means a telephone company facility that houses the switching and trunking equipment serving telephones in a defined area.

(9) "Central office enabling" means the technology that allows the public network telephone switch(s) to recognize and accept the digits 9-1-1.

(10) "Department" means the department of community development.

(11) "Diversity" means a method of assuring continuity of service by using multiple transmission routes to deliver a particular service between two points on a network.

(12) "Master street address guide (MSAG)" means a data base of street names and address ranges within their associated postal communities defining emergency service zones for 9-1-1 purposes.

(13) "Network performance level monitoring" means steps taken by a telephone company to determine that the network is operating properly.

(14) "Night service" means a feature that automatically forwards all 911 calls to a PSAP to an alternate directory number assigned for that PSAP. The alternate directory number may be associated with a secondary PSAP or another alternate destination.

(15) "Public safety answering point (PSAP)" means an answering location for 9-1-1 calls originating in a given area. PSAPs are designated as primary or secondary, which refers to the order in which calls are directed for answering.

(16) "Reverse ALI search capability" means the ability to query the ALI data base to electronically obtain the ALI data associated with a known telephone number for purposes of handling an emergency.

(17) "Selective routing" means a feature that permits a 9-1-1 call to be routed to a predesignated public safety answering point (PSAP) based upon the identified telephone number of the calling party and an address associated with that telephone number.

(18) "TDD (telecommunications device for the deaf)" means a telecommunications device that permits typed telephone conversations with or between deaf, hard of hearing, or speech impaired people with a machine at their location.

(19) "Telephone system management information system (TSMIS)" means the equipment that records call volume and usage data that is helpful to a PSAP in their staffing and coverage decisions.

(20) "Traffic studies" means studies performed by a telephone company or others that measure the volume of calls made over the 9-1-1 network.

(21) "Uninterruptible power supply (UPS)" means a system designed to provide power, without delay or transients, during a period when the normal power supply is incapable of performing acceptably. UPS must allow operation for at least thirty minutes after loss of commercial power.

NEW SECTION

WAC 365-300-040 Eligible jurisdictions. The counties of the state of Washington shall be eligible to receive funds from the enhanced 911 account.

NEW SECTION

WAC 365-300-050 Fundable items. Enhanced 9-1-1 systems are made up of four main components: Network, data base, customer premise equipment (CPE), and operational items. Both the implementation and maintenance costs of these components will be eligible for funding. The following subcomponents within each of these major components will be eligible for funding from the enhanced 911 account.

(1) **NETWORK:**

(a) Central office enabling;

(b) Automatic number identification (ANI) provisioning;

(c) Selective routing (hardware, software, data base);

(d) 9-1-1 voice network (B.01/P.01 service level required);

(e) Automatic location identification (ALI) data link;

(f) Noncompatible central office switch upgrades;

(g) Diversity;

(h) Network performance level monitoring;

(i) Traffic studies;

(j) Alternate routing or night service.

(2) **DATA BASE:**

(a) County or regional provided:

(i) Addressing (house number, street, postal community) exclusive of house numbering and street signs;

(ii) MSAG development and maintenance.

(b) Telephone company provided:

(i) ALI data base:

MSAG development and maintenance;

Subscriber record purification.

(ii) ALI DMS equipment (for the storage and retrieval of ALI) may be provided by several vendors but the equip-

ment must conform to the interfacing telephone companies standards.

(3) **CUSTOMER PREMISE EQUIPMENT:**

- (a) ANI/ALI display equipment for both primary and secondary PSAPs;
- (b) Telephone system if existing is incompatible with enhanced 911;
- (c) ALI controller;
- (d) ANI controller;
- (e) ALI/DMS equipment (must conform to interfacing telephone company's standards);
- (f) Call detail interface and printer;
- (g) Telephone system management information system;
- (h) Radio communications equipment (if necessary as part of a regional or consolidated E9-1-1 system);
- (i) Uninterruptible power supply (UPS) for telephone system and 9-1-1 equipment;
- (j) Auxiliary generator to support 911 emergency telephone service for backup;
- (k) TDD if existing is incompatible with enhanced 911;
- (l) Recording equipment if existing is incompatible with enhanced 911;
- (m) Reverse ALI search capability.

(4) **OPERATIONAL ITEMS:**

- (a) Funding necessary to develop the detailed E9-1-1 implementation and budget plan required by the state E9-1-1 office;
- (b) Call receiver training;
- (c) Increased PSAP staffing needs directly attributable and documentable as being required for E9-1-1 implementation.

(5) **ADDITIONAL ITEMS:**

Additional equipment and local requirements will be considered for funding if they are an element in a regional or consolidated E911 system.

NEW SECTION

WAC 365-300-060 Local plan requirements. Prior to the allocation of funds to a local jurisdiction, other than the allocation of funds to develop local implementation plans and budgets, the local jurisdiction must develop an approved implementation plan and budget. The plans shall detail how each jurisdiction(s) will implement enhanced 911 in the most efficient and effective manner and shall include a proposed implementation schedule and estimate of required state and local resources. Such documents shall be submitted on forms developed by the department and shall be subject to review and approval by the state enhanced 911 coordinator with the advice of the advisory committee.

NEW SECTION

WAC 365-300-070 Funding priorities. Within available revenues, funds will be allocated in the manner best calculated, at the discretion of the state enhanced 911 coordinator, with the advice and assistance of the state enhanced 911 advisory committee, to facilitate the state-wide implementation and operation of enhanced 911. This discretion shall be guided by the following factors:

- (1) The nature of existing and planned services in the local jurisdiction. Funds will generally be allocated first to those counties without 911, then to those counties which

have some 911 capability, and then to counties which have fully enhanced 911;

(2) Priority will be given to those counties proposing to develop consolidated or regional enhanced 911 systems;

(3) The difference between locally generated revenue and revenue needed to fund services in accordance with the approved local plan and budget;

(4) Funding required in a particular time period for planning purposes;

(5) The differential impacts on local jurisdictions due to the costs and services of enhanced 911 as provided in tariffs approved by the Washington utilities and transportation commission; and

(6) Such additional factors directly related to implementation and operation of enhanced 911 state-wide as may be identified within the local jurisdiction's application for funding and are otherwise consistent with these rules.

NEW SECTION

WAC 365-300-081 Application procedures. The department shall develop an application format and applications shall be made in accordance with this format. The department shall further establish a schedule of annual application dates. Funding awards will be made by the department with the advice and assistance of the advisory committee.

NEW SECTION

WAC 365-300-090 Other rules. Through other state agencies, including the Washington utilities and transportation commission, rules have and will be adopted which will direct the state-wide implementation and operation of enhanced 911. By this reference, this rule is intended to be consistent with and complementary to these other rules.

WSR 93-07-080

EMERGENCY RULES

GAMBLING COMMISSION

[Filed March 18, 1993, 3:10 p.m.]

Date of Adoption: March 12, 1993.

Purpose: New section requiring director's approval prior to conducting a live performance to entertain bingo patrons.

Statutory Authority for Adoption: RCW 9.46.070.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To preserve the integrity and image of the charitable gaming industry by adding new section requiring director's approval prior to conducting a live performance to entertain bingo patrons.

Effective Date of Rule: Immediately.

March 18, 1993
Sharon M. Tolton
Rules Coordinator

NEW SECTION

WAC 230-20-111 Promotional activities - Live performances as gifts - Advance approval required. In order to preserve the integrity and image of the charitable and nonprofit bingo industry, promotional activities including live performances to entertain bingo patrons shall be deemed a promotional gift and subject to the monetary restrictions of WAC 230-20-246. For the purpose of this rule, a live performance includes any show, comedy act, skit, play, dance or similar activities, whether live or recorded and whether or not consideration is paid or not paid to the performers of such activities.

1) An organization that plans to offer any live performance before, during or after any bingo session shall present a written detailed outline of such and shall secure approval by the Director of the Commission prior to conducting the live performance. The organization shall, in writing, request a review by the Director at least sixty days in advance of the scheduled date of the live performance.

2) The Director shall review the subject matter of the proposed live performance and shall not approve any such performance which in the Director's opinion is contrary to the public interest of preserving the integrity of charitable bingo.

3) If the Director denies a request to conduct a live performance, the organization may request a review by the Commission within thirty days of the decision. The decision of the Commission shall be final.

WSR 93-07-090
EMERGENCY RULES
DEPARTMENT OF ECOLOGY

[Filed March 22, 1993, 1:45 p.m.]

Date of Adoption: March 22, 1993.

Purpose: This emergency rule corrects the citation of water quality standards in the shade requirement rule for forest practices adjacent to fish bearing waters.

Citation of Existing Rules Affected by this Order: Amending WAC 173-202-020.

Statutory Authority for Adoption: RCW 90.48.420 and 76.09.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The previous emergency rule correcting the citation of water quality standards expired in February and the permanent rule cannot be adopted until May 12, 1993.

Effective Date of Rule: Immediately.

March 15, 1993
 Mary Riveland
 Director

AMENDATORY SECTION (Amending Order 92-51, filed 12/16/92, effective 1/16/93)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on December ((45)) 30, 1992, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

WAC 222-08-035—Continuing review of forest practices regulations.

WAC 222-12-010—Authority.

WAC 222-12-040—Alternate plans.

WAC 222-12-045—Adaptive management.

WAC 222-12-046—Cumulative Effect

WAC 222-12-070—Enforcement policy.

WAC 222-16-010—General definitions.

WAC 222-16-030—Water typing system.

WAC 222-16-035—Wetland typing system.

WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.

WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.

WAC 222-22-010—Policy.

WAC 222-22-020—Watershed administrative units.

WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.

WAC 222-22-040—Watershed prioritization.

WAC 222-22-050—Level 1 watershed resource assessment.

WAC 222-22-060—Level 2 watershed resource assessment.

WAC 222-22-070—Prescription recommendation.

WAC 222-22-080—Approval of watershed analysis.

WAC 222-22-090—Use and review of watershed analysis.

WAC 222-22-100—Application review prior to watershed analysis.

WAC 222-24-010—Policy.

WAC 222-24-020 (2), (3), (4), (6)—Road location.

WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.

WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.

WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.

WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.

WAC 222-24-050—Road maintenance.

WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.

WAC 222-30-010—Policy—Timber harvesting.

WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.

WAC 222-30-025—Green-up: Even-aged harvest size and timing.

WAC 222-30-030—Stream bank integrity.

WAC 222-30-040—Shade requirements to maintain stream temperature.

WAC 222-30-050 (1), (2), (3)—Felling and bucking.

WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.

WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—
Tractor and wheeled skidding systems.
WAC 222-30-080 (1), (2)—Landing cleanup.
WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
WAC 222-34-040—Site preparation and rehabilitation.
WAC 222-38-010—Policy—Forest chemicals.
WAC 222-38-020—Handling, storage, and application
of pesticides.
WAC 222-38-030—Handling, storage, and application
of fertilizers.
WAC 222-38-040—Handling, storage, and application
of other forest chemicals.

(2) Digging is allowed on odd numbered days only from
12:01 a.m. to 11:59 a.m.

(3) It is unlawful to dig for razor clams at any time in
Long Beach, Twin Harbors Beach or Copalis Beach Clam
sanctuaries defined in WAC 220-56-372.

(4) Razor Clam Area 1 will remain closed to digging or
possession of razor clams until further notice.

WSR 93-07-092

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 93-15—Filed March 22, 1993, 2:39 p.m., effective March 23,
1993, 12:01 a.m.]

Date of Adoption: March 18, 1993.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-56-360.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause
finds that immediate adoption, amendment, or repeal of a
rule is necessary for the preservation of the public health,
safety, or general welfare, and that observing the time
requirements of notice and opportunity to comment upon
adoption of a permanent rule would be contrary to the public
interest.

Reasons for this Finding: Test results show that
adequate clams are available for harvest in Razor Clam
Areas 2 and 3. Limitation of harvest to odd numbered days
allows adequate monitoring to prevent overharvest of
existing resources. Department of Health has not certified
clams from Razor Clam Area 1 as safe for human consump-
tion at this time. Digging clams determined to be unsafe for
human consumption would result in wastage.

Effective Date of Rule: March 23, 1993, 12:01 a.m.

March 18, 1993

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

**WAC 220-56-36000C Razor clams—Areas and
seasons.** Notwithstanding the provisions of WAC 220-56-
360, it is unlawful to dig for or possess razor clams taken
for personal use from any beach in Razor Clam Areas 1, 2,
3 or except as provided for in this section:

(1) Effective 12:01 a.m. March 23, through 11:59 p.m.
May 11, 1993 razor clam digging is allowed in Razor Clam
Area 2 and Razor Clam Area 3 from the Grays Harbor north
jetty north to the Moclips River and from the Olympic
National Park Beach Trail 2 (Kalaloch area, Jefferson
County) to Olympic National Park Beach Trail 3 (Kalaloch
area, Jefferson County) only.

WSR 93-07-013
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—March 5, 1993]

MEETING NOTICE FOR MARCH 1993
TRANSPORTATION IMPROVEMENT BOARD
OLYMPIA, WASHINGTON 98504-0901

Field trip, 1:00 p.m., Thursday, March 25, 1993, in Bellevue at the Bellevue Center Red Lion Hotel (small Red Lion), 818 112th N.E.

Increase subcommittee, 4:30 p.m., Thursday, March 25, 1993, in Bellevue at the Bellevue Center Red Lion Hotel, Summerset Room.

Work session, 7:00 p.m., Thursday, March 25, 1993, in Bellevue at the Bellevue Center Red Lion Hotel, Summerset Room.

Board meeting, 9:00 a.m., Friday, March 26, 1993, in Bellevue at the Bellevue Center Red Lion Hotel, Rainier Room.

The next scheduled meeting is April 23, 1993, in Olympia at the Transportation Building, Commission Board Room.

WSR 93-07-015
RULES COORDINATOR
LOTTERY COMMISSION

[Filed March 5, 1993, 4:25 p.m.]

At its regularly scheduled meeting held on March 5, 1993, the Lottery Commission appointed Jeffrey Burkhardt, Contracts Specialist 3, to the position of rules coordinator for the Washington State Lottery, for the calendar year 1993. This appointment is made pursuant to RCW 34.05.310.

WSR 93-07-024
NOTICE OF PUBLIC MEETINGS
SKAGIT VALLEY COLLEGE

[Memorandum—March 5, 1993]

SPECIAL MEETING
BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 4
SKAGIT VALLEY COLLEGE

March 9, 1993, 8:00 a.m.
Cascade Room, Campus Center Building

Skagit Valley College
2405 College Way
Mount Vernon, WA 98273

There will be a special meeting of the board of trustees on Tuesday, March 9, 1993, 8:00 - 10:00 a.m., in the Cascade Room of the Campus Center Building for the purpose of reviewing and discussing priorities of the 1993-94 budget. This meeting is for discussion purposes only and no action will be taken.

Skagit Valley College will schedule meetings in locations that are free of mobility barriers, and interpreters for deaf individuals and brailled or taped information for blind

individuals can be provided when adequate notice is given to the president's office at the college.

WSR 93-07-025
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—March 5, 1993]

The International Development Committee of the Washington State Convention and Trade Center will meet on Wednesday, March 10, 1993, at 8:00 a.m. in Room 301 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 93-07-026
RULES OF COURT
STATE SUPREME COURT

[March 4, 1993]

IN THE MATTER OF THE ADOPTION OF ORDER
THE AMENDMENT TO CrR 4.2(G) NO. 25700-A-516

The Court having considered the proposed amendment to CrR 4.2(g) and having determined that the amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of March, 1993.

Andersen, C.J.

Utter, J.

Durham, J.

Brachtenbach, J.

Smith, J.

Johnson, J.

Guy, J.

Barbara Madsen

CrR 4.2(g)

(g) **Written Statement.** A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

SUPERIOR COURT OF WASHINGTON
FOR [. . .] COUNTY

THE STATE OF WASHINGTON,
PLAINTIFF,
V.
DEFENDANT.

NO.
STATEMENT OF
DEFENDANT ON
PLEA OF GUILTY

- 1. My true name is
2. My age is
3. I went through the grade.
4. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT:

(a) I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is

(b) I am charged with the crime of
The elements of this crime are

5. I HAVE BEEN INFORMED AND FULLY UNDERSTAND THAT I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

(a) The right to a speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed;

(b) The right to remain silent before and during trial, and the right to refuse to testify against myself;

(c) The right at trial to hear and question the witnesses who testify against me;

(d) The right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me;

(e) I am presumed innocent until the charge is proven beyond a reasonable doubt or I enter a plea of guilty;

(f) The right to appeal a determination of guilt after a trial.

6. IN CONSIDERING THE CONSEQUENCES OF MY GUILTY PLEA, I UNDERSTAND THAT:

(a) The crime with which I am charged carries a maximum sentence of years imprisonment and a \$ fine. The standard sentence range is from months to months confinement, based on the prosecuting attorney's understanding of my criminal history.

(b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions, whether in this state, in federal court, or elsewhere. Criminal history also includes convictions in juvenile court for felonies or serious traffic offenses that were committed when I was 15 years of age or older. Juvenile convictions, except those for class A felonies, count only if I was less than 23 years old when I committed the crime to which I am now pleading guilty.

(c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.

(d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase.

(e) In addition to sentencing me to confinement for the standard range, the judge will order me to pay \$ as a victim's compensation fund assessment. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The judge may also order that I pay a fine, court costs, and attorney fees. Furthermore, the judge may place me on community supervision, impose restrictions on my activities, and order me to perform community service.

(f) The prosecuting attorney will make the following recommendation to the judge:

(g) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so. If the judge goes outside the standard range, either I or the State can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

(h) The crime of has a mandatory minimum sentence of at least years of total confinement. The law does not allow any reduction of

this sentence. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(i) The sentence imposed on counts will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. I am being sentenced for two or more violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts and will run consecutively unless the judge finds substantial and compelling reasons to do otherwise. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(j) In addition to confinement, the judge will sentence me to community placement for at least 1 year. During the period of community placement, I will be under the supervision of the Department of Corrections, and I will have restrictions placed on my activities. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(k) The judge may sentence me as a first time offender instead of giving a sentence within the standard range if I qualify under RCW 9.94A.030(20). This sentence could include as much as 90 days confinement plus all of the conditions described in paragraph (e). Additionally, the judge could require me to undergo treatment, to devote time to a specific occupation, and to pursue a prescribed course of study or occupational training. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(l) This plea of guilty will result in revocation of my privilege to drive. If I have a driver's license, I must now surrender it to the judge. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(m) If this crime involves a sexual offense, prostitution, or a drug offense associated with hypodermic needles, I will be required to undergo testing for the human immunodeficiency (AIDS) virus. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(n) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(o) If this crime involves a sex offense or a violent offense, I will be required to provide a sample of my blood for purposes of DNA identification analysis. [If not applicable, this paragraph should be stricken and initialed by the defendant and the judge.]

(p) If Because the crime involves a sex offense, I will be required to register with the sheriff of the county of the State of Washington where I reside. I must do this within 30 days after I am released from confinement register immediately upon completion of being sentenced unless I am in custody in which case I must register within 24 hours of my release.

If I do not reside in Washington, I must register within 45 days after I establish residence in this state am currently not a resident of this state or I later move to reside in this state leave this state following my sentencing or release from custody but later move back to Washington, I must register within 30 days after moving to this state or within 24 hours after doing so if I am under the jurisdiction of this state's Department of Corrections.

If I subsequently move change my residence within the a county, I must notify the sheriff within 10 days after I establish my new residence. If I move to a new county I must within 10 days notify the sheriffs of both counties. send written notice of my change of residence to the sheriff within 10 days of establishing my new residence. If I change my residence to a new county within this state, I must register with the sheriff of the new county and I must give written notice of my change of address to the sheriff of the county where last registered, both within 10 days of establishing my new residence. [If not applicable, this paragraph these three paragraphs should be stricken and initialed by the defendant and the judge.]

7. I plead to the crime of as charged in the information. I have received a copy of that information.

8. I make this plea freely and voluntarily.

9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11. The judge has asked me to state briefly in my own words what I did that makes me guilty of this crime. This is my statement:

12. My lawyer has explained to me, and we have fully discussed, all of the above paragraphs. I understand them all. I have been given a copy

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of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

.....
Defendant
I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

.....
Prosecuting Attorney Defendant's Lawyer

The foregoing statement was signed by the defendant in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that I check appropriate box:

- (a) The defendant had previously read; or
(b) The defendant's lawyer had previously read to him or her; or
(c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full.

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated this day of, 19 . . .

.....
Judge

*I am fluent a certified interpreter or have been found otherwise qualified by the court to interpret in the language which the defendant understands, and I have translated this entire document for the defendant from English into that language. The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated this . . day of , 19 . .

.....
Interpreter

WSR 93-07-027
RULES OF COURT
STATE SUPREME COURT
[March 4, 1993]

IN THE MATTER OF THE ADOPTION OF ORDER
THE AMENDMENTS TO RLD 2.2, NO. 25700-A-517
RLD 9.6 AND GR 7

The Washington State Bar Association having recommended the adoption of the amendments to RLD 2.2, RLD 9.6 and GR 7 and the Court having determined that the amendments will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as attached hereto are adopted.
(b) That pursuant to the emergency provisions of GR

9(i), the amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of March, 1993.

Andersen, C.J.

Durham, J.

Utter, J.

Brachtenbach, J.

Smith, J.

Johnson, J.

Guy, J.

Barbara Madsen

RLD 2.2(a)

(a) Authority. The Board of Governors of the Association shall have the power and authority to:

(1) Supervise the general functioning of the Disciplinary Board, review committees, disciplinary counsel, bar staff and special district counsel;

(2) Make appointments, remove persons appointed, and fill vacancies as provided in these rules;

(3) Consider Review recommendations of the Character and Fitness Committee to deny petitions for reinstatement after disbarment pursuant to Title 9;

(4) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Supreme Court or as may be necessary and proper to carry out its duties.

RLD 9.6

ACTION BY CHARACTER AND FITNESS COMMITTEE

(a) Requirements for Favorable Recommendation. Reinstatement may be recommended by the Character and Fitness Committee only upon an affirmative showing that the petitioner possesses the qualifications and meets the requirements as set forth in the Admission to Practice Rules for lawyer applicants, and that his or her reinstatement it will not be detrimental to the integrity and standing of the judicial system or to the administration of justice, or be contrary to the public interest.

(b) Action on Committee Recommendation. The recommendation of the Character and Fitness Committee shall be served upon the petitioner. If the Committee recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Committee recommends against reinstatement, the record and recommendation shall be retained in the office of the Association unless the petitioner requests that it be submitted to the Supreme Court Board of Governors. If the petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court Board of Governors for disposition. If the petitioner does not so request, the bar examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Character and Fitness Committee.

(c) Action on Board of Governors Recommendation. The recommendation of the Board of Governors shall be served upon the petitioner. If the Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Association unless the petitioner requests that it be submitted to the Supreme Court. If the petitioner so requests, the

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record and recommendation shall be transmitted to the Supreme Court for disposition. If the petitioner does not so request, the bar examination fee shall be refunded to the petitioner, but the petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Board of Governors.

GR 7(f)

(f) **Filing Local Rules Electronically.** ~~In addition to filing the 50 copies of the local court rules required in section (a) of this rule, a court may send its local court rules to the Administrator for the Courts electronically.~~ The Administrator for the Courts shall establish the specifications necessary for a court to file its local court rules electronically.

WSR 93-07-049
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE

[Memorandum—March 15, 1993]

Board of Trustees Meeting
 Thursday, March 18, 1993
 3:30 - 6:20

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and braille or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 93-07-050
NOTICE OF PUBLIC MEETINGS
COMMISSION ON HISPANIC AFFAIRS

[Memorandum—March 12, 1993]

The Commission on Hispanic Affairs will hold its next regular meeting on April 24, 1993, at the Yakima Valley Farmworker's Clinic (Community Education and Counseling Services Center), 315 South Elm, Toppenish, WA, from 9 a.m. to 5 p.m. Public testimony is encouraged and can be offered at the community concerns portion of the meeting.

WSR 93-07-056
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—March 11, 1993]

A regular meeting of the board of directors of the Washington State Convention and Trade Center will be held on Wednesday, March 17, 1993, at 1:30 p.m. in Room 206 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call 447-5000.

WSR 93-07-057
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—March 8, 1993]

The Seattle Community College District board of trustees will hold a special executive session on March 16, 1993, at 4:30 p.m., in Room A of the Siegal Center, 1500 Harvard, Seattle, WA 98122.

The board's regularly scheduled meeting on April 6, 1993, will be preceded by a work session, to begin at 4:30 p.m. This meeting has been changed to the Duwamish Branch, 6770 East Marginal Way South, Seattle, WA 98106.

WSR 93-07-058
NOTICE OF PUBLIC MEETINGS
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

[Memorandum—March 12, 1993]

MEETING NOTICE

WASHINGTON STATE WORKFORCE TRAINING
 AND EDUCATION COORDINATING BOARD
 MARCH 31 - APRIL 1, 1993

March 31, 1:00 to 5:00 p.m., WTECB Offices, Tumwater, Washington, the Workforce Training and Education Coordinating Board members will meet in committee meetings to continue discussions on targets of excellence, job skills program policy, comprehensive state plan development, and Carl Perkins vocational education policy.

March 31, 5:30 - 8:00 p.m., Bristol House, Olympia, Washington, the workforce board will hold a dinner meeting on Wednesday, March 31, 1993, beginning at 5:30 p.m. WTECB members will meet with leadership from related state councils and boards to discuss goals, priorities and opportunities for collaboration. There will be no action taken at this meeting.

April 1, 8:30 a.m., Board Room, Olympia School District, 1113 Legion Way S.E., Olympia, WA, the regular business meeting of the workforce coordinating board will convene at 8:30 a.m. in the board room if the Olympia School District. Primary agenda items will include a follow-up discussion on apprenticeship, a legislative update, business/labor roundtable and governor's economic development conference follow-up, and reports from the WTECB planning and coordination and outcomes and evaluation committees. Action on Carl Perkins vocational education policy direction for FY 1994 and the job skills program are expected.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or SCAN 234-5660.

WSR 93-07-059
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD

[Memorandum—March 16, 1993]

The Public Works Board regular meeting scheduled for 8:30 a.m. April 6, 1993, in the city of SeaTac has been moved.

The new location is: The meeting will be handled by conference call. Persons wishing to participate and/or monitor the meeting may do so by appearing at the office of the Deputy Director, Department of Community Development, Fifth Floor, 906 Columbia Street S.W., Olympia, WA.

The sole agenda item for this meeting shall be the consideration of the emergency loan application of the city of Royal City. The purpose of the emergency loan request is to provide financing for a sanitary sewer system project necessary to prevent system failure.

WSR 93-07-064
NOTICE OF PUBLIC MEETINGS
STATE EMPLOYEES BENEFITS BOARD
 [Memorandum—March 17, 1993]

The State Employees Benefits Board meeting scheduled for March 25, 1993, has been canceled. The next meeting will be held on April 8, 1993, beginning at 1:00 p.m. in the Olympia Room at the Tyee Hotel in Tumwater, Washington.

WSR 93-07-065
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—March 15, 1993]

Following is a revised meeting schedule for regular meetings to be held by the University of Washington's Scandinavian Language and Literature department.

Faculty Meeting

Meeting Dates	Location	Time
April 6, 1993	Raitt 314	2:30
April 20, 1993	Raitt 314	2:30
May 4, 1993	Raitt 314	2:30
May 18, 1993	Raitt 314	2:30

WSR 93-07-084
RULES COORDINATOR
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Memorandum—March 16, 1993]

In accordance with RCW 34.05.310, the Department of General Administration names Steven H. Borchardt as the rules coordinator for the remainder of the 1993 calendar year and for consecutive years as nominated thereafter.

Mr. Borchardt's address is Steven H. Borchardt, Contract and Rules Administrator, Division of Support Services, P.O. Box 41018, Olympia, WA 98504-1018.

Louis P. Cooper, Jr., Manager
 Support Services Division

WSR 93-07-095
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION
 [Memorandum—March 17, 1993]

The April 1993 Washington State Transportation Commission meeting will be held at 1:00 p.m. on Wednesday, April 14, and 9:00 a.m. on Thursday, April 15, 1993, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings at 9:00 a.m., Wednesday, April 14, in the Transportation Building, Rooms 1D2 and 1D22, Olympia, Washington.

The May 1993 Washington State Transportation Commission meetings will be held at 9:00 a.m. on Monday, May 17, in the Farm Credit Bank Building, Spokane, Washington.

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Table of WAC Sections Affected

KEY TO TABLE

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- PREP = Preproposal comments
- RE-AD = Readoption of existing section
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- S = Supplemental notice
- W = Withdrawal of proposed action
- No suffix means permanent action

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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132J-125-020	NEW	93-04-022	173-216-010	AMD-E	93-03-067	173-226-190	NEW-P	93-03-066
132J-125-030	NEW	93-04-022	173-216-030	AMD-P	93-03-066	173-226-190	NEW-E	93-03-067
132J-125-055	NEW	93-04-022	173-216-030	AMD-E	93-03-067	173-226-200	NEW-P	93-03-066
132J-125-060	NEW	93-04-022	173-216-040	AMD-P	93-03-066	173-226-200	NEW-E	93-03-067
132J-125-065	NEW	93-04-022	173-216-040	AMD-E	93-03-067	173-226-210	NEW-P	93-03-066
132J-125-070	NEW	93-04-022	173-216-050	AMD-P	93-03-066	173-226-210	NEW-E	93-03-067
132J-125-075	NEW	93-04-022	173-216-050	AMD-E	93-03-067	173-226-220	NEW-P	93-03-066
132J-125-080	NEW	93-04-022	173-216-070	AMD-P	93-03-066	173-226-220	NEW-E	93-03-067
132J-125-085	NEW	93-04-022	173-216-070	AMD-E	93-03-067	173-226-230	NEW-P	93-03-066
132J-125-090	NEW	93-04-022	173-216-130	AMD-P	93-03-066	173-226-230	NEW-E	93-03-067
132J-125-095	NEW	93-04-022	173-216-130	AMD-E	93-03-067	173-226-240	NEW-P	93-03-066
132J-125-100	NEW	93-04-022	173-216-140	AMD-P	93-03-066	173-226-240	NEW-E	93-03-067
132J-125-105	NEW	93-04-022	173-216-140	AMD-E	93-03-067	173-226-250	NEW-P	93-03-066
132J-125-110	NEW	93-04-022	173-220-010	AMD-P	93-03-066	173-226-250	NEW-E	93-03-067
132J-125-115	NEW	93-04-022	173-220-010	AMD-E	93-03-067	173-303-070	AMD-E	93-02-049
132J-125-120	NEW	93-04-022	173-220-020	AMD-P	93-03-066	173-303-070	AMD	93-02-050
132J-125-125	NEW	93-04-022	173-220-020	AMD-E	93-03-067	173-303-120	AMD-E	93-02-049
132J-125-130	NEW	93-04-022	173-220-030	AMD-P	93-03-066	173-303-120	AMD	93-02-050
132J-125-135	NEW	93-04-022	173-220-030	AMD-E	93-03-067	173-303-506	NEW-E	93-02-049
132J-125-140	NEW	93-04-022	173-220-040	AMD-P	93-03-066	173-303-506	NEW	93-02-050
132J-125-145	NEW	93-04-022	173-220-040	AMD-E	93-03-067	173-400	AMD-C	93-03-065
132J-125-150	NEW	93-04-022	173-220-045	REP-P	93-03-066	173-400-030	AMD-S	93-05-048
132J-125-155	NEW	93-04-022	173-220-045	REP-E	93-03-067	173-400-040	AMD-S	93-05-048
132J-125-160	NEW	93-04-022	173-220-050	AMD-P	93-03-066	173-400-070	AMD-W	93-07-042
132J-125-165	NEW	93-04-022	173-220-050	AMD-E	93-03-067	173-400-075	AMD	93-05-044
132J-125-170	NEW	93-04-022	173-220-060	AMD-P	93-03-066	173-400-080	NEW-S	93-05-048
132J-125-180	NEW	93-04-022	173-220-060	AMD-E	93-03-067	173-400-100	AMD-S	93-05-048
132J-125-190	NEW	93-04-022	173-220-070	AMD-P	93-03-066	173-400-105	AMD-S	93-05-048
132J-125-200	NEW	93-04-022	173-220-070	AMD-E	93-03-067	173-400-107	NEW-S	93-05-048
132J-125-210	NEW	93-04-022	173-220-090	AMD-P	93-03-066	173-400-110	AMD-S	93-05-048
132J-125-220	NEW	93-04-022	173-220-090	AMD-E	93-03-067	173-400-112	NEW-S	93-05-048
132J-125-230	NEW	93-04-022	173-220-100	AMD-P	93-03-066	173-400-113	NEW-S	93-05-048
132J-125-240	NEW	93-04-022	173-220-100	AMD-E	93-03-067	173-400-114	NEW-S	93-05-048
132J-125-250	NEW	93-04-022	173-220-110	AMD-P	93-03-066	173-400-115	AMD	93-05-044
132J-125-260	NEW	93-04-022	173-220-110	AMD-E	93-03-067	173-400-116	NEW-W	93-07-042
132J-125-270	NEW	93-04-022	173-220-225	AMD-P	93-03-066	173-400-120	AMD-S	93-05-048
132J-125-280	NEW	93-04-022	173-220-225	AMD-E	93-03-067	173-400-131	AMD-S	93-05-048
132J-125-290	NEW	93-04-022	173-226-010	NEW-P	93-03-066	173-400-136	AMD-S	93-05-048
132J-125-300	NEW	93-04-022	173-226-010	NEW-E	93-03-067	173-400-141	AMD-S	93-05-048
132J-125-310	NEW	93-04-022	173-226-020	NEW-P	93-03-066	173-400-171	AMD-S	93-05-048
132L-133-020	NEW-P	93-06-067	173-226-020	NEW-E	93-03-067	173-400-180	AMD-S	93-05-048
132V-300-010	NEW	93-03-078	173-226-030	NEW-P	93-03-066	173-400-230	AMD	93-05-044
132V-300-020	NEW	93-03-078	173-226-030	NEW-E	93-03-067	173-400-250	AMD-S	93-05-048
132V-300-030	NEW	93-03-078	173-226-040	NEW-P	93-03-066	173-401-100	NEW-P	93-07-062
136-320-010	AMD-P	93-07-045	173-226-040	NEW-E	93-03-067	173-401-200	NEW-P	93-07-062
136-320-020	AMD-P	93-07-045	173-226-050	NEW-P	93-03-066	173-401-300	NEW-P	93-07-062
136-320-030	AMD-P	93-07-045	173-226-050	NEW-E	93-03-067	173-401-400	NEW-P	93-07-062
136-320-040	AMD-P	93-07-045	173-226-060	NEW-P	93-03-066	173-401-500	NEW-P	93-07-062
136-320-050	AMD-P	93-07-045	173-226-060	NEW-E	93-03-067	173-401-510	NEW-P	93-07-062
136-320-060	AMD-P	93-07-045	173-226-070	NEW-P	93-03-066	173-401-520	NEW-P	93-07-062
136-320-070	AMD-P	93-07-045	173-226-070	NEW-E	93-03-067	173-401-600	NEW-P	93-07-062
136-320-080	AMD-P	93-07-045	173-226-080	NEW-P	93-03-066	173-401-605	NEW-P	93-07-062
139-05-240	AMD-W	93-05-039	173-226-080	NEW-E	93-03-067	173-401-610	NEW-P	93-07-062
139-05-240	AMD-P	93-07-118	173-226-090	NEW-P	93-03-066	173-401-615	NEW-P	93-07-062
139-05-242	NEW-C	93-03-084	173-226-090	NEW-E	93-03-067	173-401-620	NEW-P	93-07-062
139-10-220	AMD-W	93-05-040	173-226-100	NEW-P	93-03-066	173-401-625	NEW-P	93-07-062
139-10-220	AMD-P	93-07-120	173-226-100	NEW-E	93-03-067	173-401-630	NEW-P	93-07-062
139-10-222	NEW-C	93-03-085	173-226-110	NEW-P	93-03-066	173-401-635	NEW-P	93-07-062
139-10-222	NEW	93-07-119	173-226-110	NEW-E	93-03-067	173-401-640	NEW-P	93-07-062
173-19-2401	AMD	93-07-116	173-226-120	NEW-P	93-03-066	173-401-645	NEW-P	93-07-062
173-19-2521	AMD	93-04-106	173-226-120	NEW-E	93-03-067	173-401-650	NEW-P	93-07-062

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-401-700	NEW-P	93-07-062	180-16-223	AMD-P	93-04-116	204-84-090	REP-P	93-05-029
173-401-705	NEW-P	93-07-062	180-16-223	AMD	93-07-102	204-84-100	REP-P	93-05-029
173-401-710	NEW-P	93-07-062	180-20-005	NEW-P	93-04-117	212-12	NEW-C	93-04-060
173-401-720	NEW-P	93-07-062	180-20-030	NEW-P	93-04-117	212-12-001	NEW-E	93-04-061
173-401-722	NEW-P	93-07-062	180-20-031	NEW-P	93-04-117	212-12-001	NEW	93-05-032
173-401-725	NEW-P	93-07-062	180-20-034	NEW-P	93-04-117	212-12-005	NEW-E	93-04-061
173-401-730	NEW-P	93-07-062	180-20-035	NEW-P	93-04-117	212-12-005	NEW	93-05-032
173-401-735	NEW-P	93-07-062	180-20-040	NEW-P	93-04-117	212-12-011	NEW-E	93-04-061
173-401-750	NEW-P	93-07-062	180-20-045	NEW-P	93-04-117	212-12-011	NEW	93-05-032
173-401-800	NEW-P	93-07-062	180-20-050	NEW-P	93-04-117	212-12-015	NEW-E	93-04-061
173-401-805	NEW-P	93-07-062	180-20-055	NEW-P	93-04-117	212-12-015	NEW	93-05-032
173-401-810	NEW-P	93-07-062	180-20-060	NEW-P	93-04-117	212-12-020	NEW-E	93-04-061
173-401-820	NEW-P	93-07-062	180-20-065	NEW-P	93-04-117	212-12-020	NEW	93-05-032
173-420-010	NEW	93-04-006	180-20-070	NEW-P	93-04-117	212-12-025	NEW-E	93-04-061
173-420-020	NEW	93-04-006	180-20-075	NEW-P	93-04-117	212-12-025	NEW	93-05-032
173-420-030	NEW	93-04-006	180-20-080	NEW-P	93-04-117	212-12-030	NEW-E	93-04-061
173-420-040	NEW	93-04-006	180-20-090	NEW-P	93-04-117	212-12-030	NEW	93-05-032
173-420-050	NEW	93-04-006	180-20-095	NEW-P	93-04-117	212-12-035	NEW-E	93-04-061
173-420-060	NEW	93-04-006	180-20-100	REP-P	93-04-117	212-12-035	NEW	93-05-032
173-420-070	NEW	93-04-006	180-20-101	NEW-P	93-04-117	212-12-040	NEW-E	93-04-061
173-420-080	NEW	93-04-006	180-20-105	REP-P	93-04-117	212-12-040	NEW	93-05-032
173-420-090	NEW	93-04-006	180-20-106	REP-P	93-04-117	212-12-044	NEW-E	93-04-061
173-420-100	NEW	93-04-006	180-20-111	NEW-P	93-04-117	212-12-044	NEW	93-05-032
173-420-110	NEW	93-04-006	180-20-115	NEW-P	93-04-117	212-12-044	NEW	93-05-032
173-422-010	AMD-P	93-03-092	180-20-120	NEW-P	93-04-117	212-14-001	REP-E	93-04-061
173-422-020	AMD-P	93-03-092	180-20-123	NEW-P	93-04-117	212-14-001	REP	93-05-032
173-422-030	AMD-P	93-03-092	180-20-125	NEW-P	93-04-117	212-14-005	REP-E	93-04-061
173-422-035	AMD-P	93-03-092	180-20-135	NEW-P	93-04-117	212-14-005	REP	93-05-032
173-422-040	AMD-P	93-03-092	180-20-140	NEW-P	93-04-117	212-14-010	REP-E	93-04-061
173-422-050	AMD-P	93-03-092	180-20-145	NEW-P	93-04-117	212-14-010	REP	93-05-032
173-422-060	AMD-P	93-03-092	180-20-155	NEW-P	93-04-117	212-14-015	REP-E	93-04-061
173-422-065	NEW-P	93-03-092	180-20-160	NEW-P	93-04-117	212-14-015	REP	93-05-032
173-422-070	AMD-P	93-03-092	180-20-165	NEW-P	93-04-117	212-14-020	REP-E	93-04-061
173-422-075	NEW-P	93-03-092	180-20-170	NEW-P	93-04-117	212-14-020	REP	93-05-032
173-422-080	REP-P	93-03-092	180-20-200	REP-P	93-04-117	212-14-025	REP-E	93-04-061
173-422-090	AMD-P	93-03-092	180-20-205	REP-P	93-04-117	212-14-025	REP	93-05-032
173-422-095	NEW-P	93-03-092	180-20-210	REP-P	93-04-117	212-14-030	REP-E	93-04-061
173-422-100	AMD-P	93-03-092	180-20-215	REP-P	93-04-117	212-14-030	REP	93-05-032
173-422-110	REP-P	93-03-092	180-20-220	REP-P	93-04-117	212-14-035	REP-E	93-04-061
173-422-120	AMD-P	93-03-092	180-20-225	REP-P	93-04-117	212-14-035	REP	93-05-032
173-422-130	AMD-P	93-03-092	180-20-230	REP-P	93-04-117	212-14-040	REP-E	93-04-061
173-422-140	AMD-P	93-03-092	180-26-020	AMD-P	93-04-118	212-14-040	REP	93-05-032
173-422-150	REP-P	93-03-092	180-26-020	AMD	93-07-104	212-14-045	REP-E	93-04-061
173-422-160	AMD-P	93-03-092	180-26-025	AMD-P	93-04-119	212-14-045	REP	93-05-032
173-422-170	AMD-P	93-03-092	180-26-025	AMD-W	93-07-100	212-14-050	REP-E	93-04-061
173-422-180	REP-P	93-03-092	180-27-505	AMD	93-04-019	212-14-050	REP	93-05-032
173-430	AMD-P	93-03-090	180-51-005	AMD	93-04-115	212-14-055	REP-E	93-04-061
173-430	AMD-E	93-04-002	180-51-025	AMD	93-04-115	212-14-055	REP	93-05-032
173-430-010	AMD-P	93-03-090	180-51-030	AMD	93-04-115	212-14-060	REP-E	93-04-061
173-430-010	AMD-E	93-04-002	180-51-055	AMD	93-04-115	212-14-060	REP	93-05-032
173-430-020	AMD-P	93-03-090	180-51-100	AMD	93-04-115	212-14-070	REP-E	93-04-061
173-430-020	AMD-E	93-04-002	180-78-010	AMD-P	93-04-120	212-14-070	REP	93-05-032
173-430-030	AMD-P	93-03-090	180-78-010	AMD	93-07-101	212-14-080	REP-E	93-04-061
173-430-030	AMD-E	93-04-002	180-79-010	AMD	93-07-101	212-14-080	REP	93-05-032
173-430-040	AMD-P	93-03-090	180-79-010	AMD-P	93-04-120	212-14-090	REP-E	93-04-061
173-430-040	AMD-E	93-04-002	180-79-236	AMD	93-07-101	212-14-090	REP	93-05-032
173-430-050	AMD-P	93-03-090	192-12-141	AMD	93-05-007	212-14-100	REP-E	93-04-061
173-430-050	AMD-E	93-04-002	194-10-030	AMD-P	93-07-086	212-14-100	REP	93-05-032
173-430-060	AMD-P	93-03-090	194-10-100	AMD	93-02-033	212-14-105	REP-E	93-04-061
173-430-060	AMD-E	93-04-002	194-10-110	AMD	93-02-033	212-14-105	REP	93-05-032
173-430-070	AMD-P	93-03-090	194-10-110	AMD	93-02-033	212-14-110	REP-E	93-04-061
173-430-070	AMD-E	93-04-002	194-10-130	AMD	93-02-033	212-14-110	REP	93-05-032
173-430-080	AMD-P	93-03-090	194-10-140	AMD	93-02-033	212-14-115	REP-E	93-04-061
173-430-080	AMD-E	93-04-002	196-26-020	AMD-P	93-07-111	212-14-115	REP	93-05-032
173-433-100	AMD	93-04-105	204-10-120	AMD-P	93-05-029	212-14-120	REP-E	93-04-061
173-433-110	AMD	93-04-105	204-44-040	NEW-P	93-05-028	212-14-120	REP	93-05-032
173-433-170	AMD	93-04-105	204-84-010	REP-P	93-05-029	212-14-12001	REP-E	93-04-061
173-491-020	AMD-P	93-04-108	204-84-020	REP-P	93-05-029	212-14-12001	REP	93-05-032
173-491-040	AMD-P	93-04-108	204-84-030	REP-P	93-05-029	212-14-125	REP-E	93-04-061
173-491-050	AMD	93-03-089	204-84-040	REP-P	93-05-029	212-14-125	REP	93-05-032
173-491-050	AMD-P	93-04-108	204-84-050	REP-P	93-05-029	212-14-130	REP-E	93-04-061
180-16-222	AMD-P	93-04-116	204-84-060	REP-P	93-05-029	212-14-130	REP	93-05-032
180-16-222	AMD	93-07-102	204-84-070	REP-P	93-05-029	212-26-001	REP-E	93-04-061
			204-84-080	REP-P	93-05-029	212-26-001	REP	93-05-032

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
212-52-095	REP-E	93-04-061	212-56A-135	REP	93-05-032	212-65-070	REP-E	93-04-061
212-52-095	REP	93-05-032	212-56A-140	REP-E	93-04-061	212-65-070	REP	93-05-032
212-52-100	REP-E	93-04-061	212-56A-140	REP	93-05-032	212-65-075	REP-E	93-04-061
212-52-100	REP	93-05-032	212-64-001	REP-E	93-04-061	212-65-075	REP	93-05-032
212-52-105	REP-E	93-04-061	212-64-001	REP	93-05-032	212-65-080	REP-E	93-04-061
212-52-105	REP	93-05-032	212-64-005	REP-E	93-04-061	212-65-080	REP	93-05-032
212-52-110	REP-E	93-04-061	212-64-005	REP	93-05-032	212-65-085	REP-E	93-04-061
212-52-110	REP	93-05-032	212-64-015	REP-E	93-04-061	212-65-085	REP	93-05-032
212-52-112	REP-E	93-04-061	212-64-015	REP	93-05-032	212-65-090	REP-E	93-04-061
212-52-112	REP	93-05-032	212-64-020	REP-E	93-04-061	212-65-090	REP	93-05-032
212-52-115	REP-E	93-04-061	212-64-020	REP	93-05-032	212-65-095	REP-E	93-04-061
212-52-115	REP	93-05-032	212-64-025	REP-E	93-04-061	212-65-095	REP	93-05-032
212-52-120	REP-E	93-04-061	212-64-025	REP	93-05-032	212-65-100	REP-E	93-04-061
212-52-120	REP	93-05-032	212-64-030	REP-E	93-04-061	212-65-100	REP	93-05-032
212-52-125	REP-E	93-04-061	212-64-030	REP	93-05-032	212-70-010	REP-E	93-04-061
212-52-125	REP	93-05-032	212-64-033	REP-E	93-04-061	212-70-010	REP	93-05-032
212-52-99001	REP-E	93-04-061	212-64-033	REP	93-05-032	212-70-020	REP-E	93-04-061
212-52-99001	REP	93-05-032	212-64-035	REP-E	93-04-061	212-70-020	REP	93-05-032
212-52-99002	REP-E	93-04-061	212-64-035	REP	93-05-032	212-70-030	REP-E	93-04-061
212-52-99002	REP	93-05-032	212-64-037	REP-E	93-04-061	212-70-030	REP	93-05-032
212-56A-001	REP-E	93-04-061	212-64-037	REP	93-05-032	212-70-040	REP-E	93-04-061
212-56A-001	REP	93-05-032	212-64-039	REP-E	93-04-061	212-70-040	REP	93-05-032
212-56A-005	REP-E	93-04-061	212-64-039	REP	93-05-032	212-70-050	REP-E	93-04-061
212-56A-005	REP	93-05-032	212-64-040	REP-E	93-04-061	212-70-050	REP	93-05-032
212-56A-010	REP-E	93-04-061	212-64-040	REP	93-05-032	212-70-060	REP-E	93-04-061
212-56A-010	REP	93-05-032	212-64-043	REP-E	93-04-061	212-70-060	REP	93-05-032
212-56A-015	REP-E	93-04-061	212-64-043	REP	93-05-032	212-70-070	REP-E	93-04-061
212-56A-015	REP	93-05-032	212-64-045	REP-E	93-04-061	212-70-070	REP	93-05-032
212-56A-020	REP-E	93-04-061	212-64-045	REP	93-05-032	212-70-080	REP-E	93-04-061
212-56A-020	REP	93-05-032	212-64-045	REP	93-05-032	212-70-080	REP	93-05-032
212-56A-030	REP-E	93-04-061	212-64-050	REP-E	93-04-061	212-70-080	REP	93-05-032
212-56A-030	REP	93-05-032	212-64-050	REP	93-05-032	212-70-090	REP-E	93-04-061
212-56A-035	REP-E	93-04-061	212-64-055	REP-E	93-04-061	212-70-090	REP	93-05-032
212-56A-035	REP	93-05-032	212-64-055	REP	93-05-032	212-70-100	REP-E	93-04-061
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212-56A-045	REP	93-05-032	212-64-065	REP	93-05-032	212-70-120	REP-E	93-04-061
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212-56A-080	REP	93-05-032	212-65-015	REP-E	93-04-061	212-70-190	REP-E	93-04-061
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212-56A-125	REP	93-05-032	212-65-060	REP-E	93-04-061	220-32-05100U	NEW-E	93-04-073
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220-52-07300N	NEW-E	93-05-006	222-38-030	AMD-P	93-05-010	246-11-060	NEW-P	93-04-102
220-52-07300N	REP-E	93-07-006	222-46-020	AMD-P	93-05-010	246-11-070	NEW-P	93-04-102
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220-56-116	AMD-P	93-04-096	230-02-270	AMD-P	93-07-081	246-11-110	NEW-P	93-04-102
220-56-124	NEW-P	93-04-096	230-04-400	AMD-P	93-07-082	246-11-120	NEW-P	93-04-102
220-56-126	AMD-P	93-04-096	230-08-090	AMD-P	93-06-036	246-11-130	NEW-P	93-04-102
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220-56-132	AMD-P	93-04-096	230-20-670	AMD-P	93-07-082	246-11-160	NEW-P	93-04-102
220-56-180	AMD-P	93-04-096	230-20-685	AMD-P	93-07-082	246-11-170	NEW-P	93-04-102
220-56-190	AMD-P	93-04-096	230-25-160	AMD-P	93-07-081	246-11-180	NEW-P	93-04-102
220-56-191	NEW-P	93-04-096	230-30-060	AMD-P	93-07-081	246-11-190	NEW-P	93-04-102
220-56-195	AMD-P	93-04-096	230-30-075	AMD	93-04-007	246-11-100	NEW-P	93-04-102
220-56-220	AMD-P	93-04-096	230-30-080	AMD-P	93-07-083	246-11-210	NEW-P	93-04-102
220-56-235	AMD-P	93-04-096	230-30-095	REP-P	93-07-083	246-11-220	NEW-P	93-04-102
220-56-240	AMD-P	93-04-096	230-30-097	NEW-P	93-07-087	246-11-230	NEW-P	93-04-102
220-56-245	AMD-P	93-04-096	230-30-100	AMD-P	93-07-083	246-11-250	NEW-P	93-04-102
220-56-255	AMD-P	93-04-096	230-30-106	AMD-P	93-06-036	246-11-260	NEW-P	93-04-102
220-56-270	AMD-P	93-04-096	230-30-300	AMD-P	93-06-036	246-11-270	NEW-P	93-04-102
220-56-285	AMD-P	93-04-096	230-40-055	AMD-P	93-07-082	246-11-280	NEW-P	93-04-102
220-56-307	AMD-P	93-04-096	230-40-120	AMD-P	93-04-044	246-11-290	NEW-P	93-04-102
220-56-310	AMD-P	93-04-096	232-12-017	AMD	93-04-039	246-11-300	NEW-P	93-04-102
220-56-315	AMD-P	93-04-096	232-12-019	AMD-P	93-06-019	246-11-310	NEW-P	93-04-102
220-56-320	AMD-P	93-04-096	232-12-019	AMD-P	93-06-020	246-11-320	NEW-P	93-04-102
220-56-325	AMD-P	93-04-096	232-12-021	AMD	93-04-040	246-11-330	NEW-P	93-04-102
220-56-330	AMD-P	93-04-096	232-12-045	NEW-E	93-04-083	246-11-340	NEW-P	93-04-102
220-56-335	AMD-P	93-04-096	232-12-064	AMD	93-04-038	246-11-350	NEW-P	93-04-102
220-56-350	AMD-P	93-04-096	232-12-074	REP	93-04-075	246-11-360	NEW-P	93-04-102
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220-56-382	AMD-P	93-04-096	232-12-619	AMD-P	93-06-017	246-11-390	NEW-P	93-04-102
220-56-390	AMD-P	93-04-096	232-28-022	AMD-P	93-06-074	246-11-400	NEW-P	93-04-102
220-57-137	AMD-P	93-04-096	232-28-226	AMD-P	93-06-064	246-11-420	NEW-P	93-04-102
220-57-160	AMD-P	93-04-096	232-28-227	AMD-P	93-06-059	246-11-430	NEW-P	93-04-102
220-57-16000Q	NEW-E	93-04-043	232-28-228	AMD-P	93-06-058	246-11-440	NEW-P	93-04-102
220-57-16000R	NEW-E	93-06-013	232-28-233	REP-P	93-06-062	246-11-450	NEW-P	93-04-102
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220-57-175	AMD-P	93-04-096	232-28-235	REP-P	93-06-060	246-11-480	NEW-P	93-04-102
220-57-210	AMD-P	93-04-096	232-28-236	NEW-P	93-06-060	246-11-490	NEW-P	93-04-102
220-57-235	AMD-P	93-04-096	232-28-237	NEW-P	93-06-063	246-11-500	NEW-P	93-04-102
220-57-255	AMD-P	93-04-096	232-28-238	NEW-P	93-06-062	246-11-510	NEW-P	93-04-102
220-57-270	AMD-P	93-04-096	232-28-61914	NEW-W	93-03-015	246-11-520	NEW-P	93-04-102
220-57-310	AMD-P	93-04-096	232-28-61923	NEW	93-04-046	246-11-530	NEW-P	93-04-102
220-57-315	AMD-P	93-04-096	232-28-61924	NEW	93-04-047	246-11-540	NEW-P	93-04-102
220-57-319	AMD-P	93-04-096	232-28-61925	NEW	93-04-049	246-11-550	NEW-P	93-04-102
220-57-350	AMD-P	93-04-096	232-28-61926	NEW	93-04-050	246-11-560	NEW-P	93-04-102
220-57-380	AMD-P	93-04-096	232-28-61927	NEW	93-04-051	246-11-570	NEW-P	93-04-102
220-57-400	AMD-P	93-04-096	232-28-61928	NEW	93-04-048	246-11-580	NEW-P	93-04-102
220-57-425	AMD-P	93-04-096	232-28-61929	NEW	93-04-052	246-11-590	NEW-P	93-04-102
220-57-430	AMD-P	93-04-096	232-28-61930	NEW	93-04-053	246-11-600	NEW-P	93-04-102
220-57-445	AMD-P	93-04-096	232-28-61931	NEW-E	93-03-039	246-11-610	NEW-P	93-04-102
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220-57-465	AMD-P	93-04-096	232-28-61933	NEW-P	93-06-022	246-100-041	AMD-P	93-03-003
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222-10-110	AMD-P	93-05-010	236-14-015	NEW-W	93-05-041	246-130-040	AMD-E	93-04-015
222-12-020	AMD-P	93-05-010	236-14-050	NEW-W	93-05-041	246-130-040	AMD-P	93-06-095
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246-290-020	AMD-P	93-04-122	246-318-520	AMD	93-07-011	246-806-100	AMD-P	93-06-090
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246-290-060	AMD-P	93-04-122	246-318-560	AMD	93-07-011	246-806-150	REP-P	93-06-090
246-290-100	AMD-P	93-04-122	246-318-570	AMD	93-07-011	246-806-160	AMD-P	93-06-090
246-290-110	AMD-P	93-04-122	246-318-580	AMD	93-07-011	246-806-190	AMD-P	93-06-090
246-290-120	AMD-P	93-04-122	246-318-590	AMD	93-07-011	246-815-100	AMD	93-06-042A
246-290-130	AMD-P	93-04-122	246-318-600	AMD	93-07-011	246-818-120	AMD	93-07-108
246-290-135	NEW-P	93-04-122	246-318-610	AMD	93-07-011	246-818-130	AMD-S	93-07-107
246-290-200	AMD-P	93-04-122	246-318-620	AMD	93-07-011	246-818-140	AMD	93-07-108
246-290-210	REP-P	93-04-122	246-318-630	AMD	93-07-011	246-824-200	NEW-P	93-02-066
246-290-230	AMD-P	93-04-122	246-318-640	AMD	93-07-011	246-824-210	NEW-P	93-02-066
246-290-250	AMD-P	93-04-122	246-318-650	AMD	93-07-011	246-824-220	NEW-P	93-02-066
246-290-300	AMD-P	93-04-122	246-318-660	AMD	93-07-011	246-824-230	NEW-P	93-02-066
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246-290-320	AMD-P	93-04-122	246-318-680	AMD	93-07-011	246-828-005	NEW	93-07-009
246-290-330	AMD-P	93-04-122	246-318-690	AMD	93-07-011	246-828-340	AMD	93-07-010
246-290-400	REP-P	93-04-122	246-318-700	AMD	93-07-011	246-828-400	NEW	93-07-008
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246-290-666	NEW-P	93-04-122	246-325-022	NEW-W	93-04-091	246-849-270	NEW-P	93-03-046
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246-290-670	NEW-P	93-04-122	246-329-035	NEW-W	93-04-091	246-851-360	REVIEW	93-03-030
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388-15-870	AMD-P	93-07-071	388-51-180	NEW-P	93-07-073	388-99-010	AMD-P	93-03-060
388-15-880	AMD-P	93-07-071	388-51-200	REP-P	93-07-073	388-99-010	AMD-E	93-03-061
388-15-890	NEW-P	93-07-071	388-51-210	NEW-P	93-07-073	388-99-010	AMD	93-06-037
388-21-005	NEW	93-04-037	388-51-250	NEW-P	93-07-073	388-99-020	AMD-E	93-04-087
388-24-074	AMD-P	93-03-055	388-51-260	NEW-P	93-07-073	388-99-020	AMD-P	93-04-090
388-24-253	AMD-P	93-04-035	388-51-300	REP-P	93-07-073	388-99-020	AMD	93-07-028
388-24-253	AMD	93-07-034	388-60-005	NEW-P	93-06-082	388-99-055	AMD-E	93-04-088
388-28-392	AMD	93-04-028	388-60-120	NEW-P	93-06-082	388-99-055	AMD-P	93-04-089
388-28-425	AMD-P	93-03-056	388-60-130	NEW-P	93-06-082	388-99-055	AMD	93-07-125
388-28-435	AMD-P	93-05-004	388-60-140	NEW-P	93-06-082	388-160-010	NEW-P	93-05-031
388-28-435	AMD	93-07-126	388-60-150	NEW-P	93-06-082	388-160-020	NEW-P	93-05-031
388-28-485	AMD-P	93-07-072	388-60-160	NEW-P	93-06-082	388-160-030	NEW-P	93-05-031
388-28-570	AMD-P	93-03-057	388-60-170	NEW-P	93-06-082	388-160-040	NEW-P	93-05-031
388-28-575	AMD-P	93-04-027	388-60-180	NEW-P	93-06-082	388-160-050	NEW-P	93-05-031
388-28-575	AMD	93-07-031	388-70-520	AMD-E	93-03-081	388-160-060	NEW-P	93-05-031
388-28-590	AMD-P	93-04-026	388-70-520	AMD-P	93-03-082	388-160-070	NEW-P	93-05-031
388-28-590	AMD	93-07-032	388-70-520	AMD	93-07-030	388-160-080	NEW-P	93-05-031
388-29-100	AMD	93-04-030	388-77A-010	NEW-P	93-03-059	388-160-090	NEW-P	93-05-031
388-29-110	AMD	93-04-030	388-77A-020	NEW-P	93-03-059	388-160-100	NEW-P	93-05-031
388-29-112	AMD	93-04-030	388-77A-030	NEW-P	93-03-059	388-160-110	NEW-P	93-05-031
388-29-160	AMD	93-04-030	388-77A-040	NEW-P	93-03-059	388-160-120	NEW-P	93-05-031
388-29-220	AMD	93-04-030	388-77A-050	NEW-P	93-03-059	388-160-130	NEW-P	93-05-031
388-29-295	AMD	93-04-030	388-81-060	AMD	93-04-024	388-160-140	NEW-P	93-05-031
388-34-010	REP-P	93-06-040	388-81-100	NEW-P	93-07-124	388-160-150	NEW-P	93-05-031
388-34-015	REP-P	93-06-040	388-82-010	AMD	93-04-033	388-160-160	NEW-P	93-05-031
388-34-020	REP-P	93-06-040	388-82-115	AMD-P	93-03-060	388-160-170	NEW-P	93-05-031
388-34-025	REP-P	93-06-040	388-82-115	AMD-E	93-03-061	388-160-180	NEW-P	93-05-031
388-34-035	REP-P	93-06-040	388-82-115	AMD	93-06-037	388-160-190	NEW-P	93-05-031
388-34-040	REP-P	93-06-040	388-82-150	NEW	93-04-024	388-160-200	NEW-P	93-05-031
388-34-045	REP-P	93-06-040	388-83-015	AMD-P	93-06-009	388-160-210	NEW-P	93-05-031
388-34-055	REP-P	93-06-040	388-83-015	AMD-E	93-06-010	388-160-220	NEW-P	93-05-031
388-34-085	REP-P	93-06-040	388-83-026	AMD-P	93-03-026	388-160-230	NEW-P	93-05-031
388-34-095	REP-P	93-06-040	388-83-026	AMD-E	93-03-028	388-160-240	NEW-P	93-05-031
388-34-110	REP-P	93-06-040	388-83-026	AMD	93-06-038	388-160-250	NEW-P	93-05-031
388-34-120	REP-P	93-06-040	388-83-033	AMD-P	93-03-060	388-160-260	NEW-P	93-05-031
388-34-125	REP-P	93-06-040	388-83-033	AMD-E	93-03-061	388-160-270	NEW-P	93-05-031
388-34-140	REP-P	93-06-040	388-83-033	AMD	93-06-037	388-160-280	NEW-P	93-05-031
388-34-150	REP-P	93-06-040	388-83-041	AMD-P	93-03-026	388-160-290	NEW-P	93-05-031
388-34-160	REP-P	93-06-040	388-83-041	AMD-E	93-03-028	388-160-300	NEW-P	93-05-031
388-34-165	REP-P	93-06-040	388-83-041	AMD	93-06-038	388-160-310	NEW-P	93-05-031
388-34-180	REP-P	93-06-040	388-83-046	NEW-P	93-07-122	388-160-320	NEW-P	93-05-031
388-34-370	REP-P	93-06-040	388-83-130	AMD-P	93-03-060	388-160-340	NEW-P	93-05-031
388-34-372	REP-P	93-06-040	388-83-130	AMD-E	93-03-061	388-160-350	NEW-P	93-05-031
388-34-374	REP-P	93-06-040	388-83-130	AMD	93-06-037	388-160-360	NEW-P	93-05-031
388-34-375	REP-P	93-06-040	388-83-200	AMD-P	93-07-123	388-160-370	NEW-P	93-05-031
388-34-376	REP-P	93-06-040	388-83-210	AMD-P	93-07-123	388-160-380	NEW-P	93-05-031
388-34-378	REP-P	93-06-040	388-83-220	AMD-P	93-07-123	388-160-390	NEW-P	93-05-031
388-34-380	REP-P	93-06-040	388-84-105	AMD-P	93-03-060	388-160-400	NEW-P	93-05-031
388-34-384	REP-P	93-06-040	388-84-105	AMD-E	93-03-061	388-160-410	NEW-P	93-05-031
388-37-045	NEW-C	93-04-025	388-84-105	AMD	93-06-037	388-160-420	NEW-P	93-05-031
388-37-045	NEW	93-06-073	388-86-008	REP-P	93-07-124	388-160-430	NEW-P	93-05-031
388-37-050	AMD-C	93-04-025	388-86-012	AMD-P	93-03-034	388-160-440	NEW-P	93-05-031
388-37-050	AMD	93-06-073	388-86-012	AMD	93-06-039	388-160-450	NEW-P	93-05-031
388-42-020	AMD	93-05-021	388-86-100	AMD-C	93-02-034	388-160-460	NEW-P	93-05-031
388-42-025	AMD	93-05-021	388-86-100	AMD-W	93-05-019	388-160-470	NEW-P	93-05-031
388-42-150	AMD	93-05-021	388-86-200	NEW-P	93-07-074	388-160-480	NEW-P	93-05-031
388-47-115	AMD-P	93-03-058	388-92-025	AMD-P	93-07-122	388-160-490	NEW-P	93-05-031
388-49-120	AMD-P	93-07-075	388-92-027	NEW-P	93-07-122	388-160-500	NEW-P	93-05-031
388-49-560	AMD	93-04-069	388-92-036	AMD-E	93-06-053	388-160-510	NEW-P	93-05-031
388-49-700	AMD	93-04-034	388-92-036	AMD-P	93-06-054	388-160-520	NEW-P	93-05-031
388-51-020	AMD-P	93-07-073	388-92-045	AMD-P	93-03-026	388-160-530	NEW-P	93-05-031
388-51-040	AMD-P	93-07-073	388-92-045	AMD-E	93-03-028	388-160-540	NEW-P	93-05-031
388-51-110	AMD-P	93-07-073	388-92-045	AMD	93-06-038	388-160-560	NEW-P	93-05-031
388-51-115	AMD-P	93-07-073	388-95-310	NEW-P	93-06-040	388-330-010	AMD-P	93-07-035
388-51-120	AMD-P	93-07-073	388-95-337	AMD-E	93-04-031	388-330-020	AMD-P	93-07-035
388-51-123	AMD-P	93-07-073	388-95-337	AMD-P	93-04-032	388-330-030	AMD-P	93-07-035
388-51-125	REP-P	93-07-073	388-95-337	AMD	93-07-029	388-330-050	AMD-P	93-07-035
388-51-130	AMD-P	93-07-073	388-95-340	AMD-P	93-03-027	390-16-031	AMD-P	93-04-127
388-51-135	AMD-P	93-07-073	388-95-340	AMD-E	93-03-029	390-16-041	AMD-P	93-04-127
388-51-150	REP-P	93-07-073	388-95-340	AMD	93-06-041	390-16-308	AMD	93-04-072
388-51-155	NEW-P	93-07-073	388-95-360	AMD-P	93-03-027	390-18-050	NEW	93-04-072
388-51-160	NEW-P	93-07-073	388-95-360	AMD-E	93-03-029	390-20-020	AMD	93-04-072

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392-105-030	AMD-P	93-03-002	434-626-020	NEW	93-04-001	02-045	490-08B-010	NEW-P93-
392-105-030	AMD	93-07-039	458-12-010	AMD-P	93-05-016	490-08B-010	NEW	93-06-005
392-105-035	AMD-P	93-03-002	458-12-240	REP-P	93-05-016	490-08B-020	NEW-P	93-02-045
392-105-035	AMD	93-07-039	458-12-342	AMD-P	93-05-016	490-08B-020	NEW	93-06-005
392-105-040	AMD-P	93-03-002	458-14-015	AMD-P	93-05-015	490-08B-030	NEW-P	93-02-045
392-105-040	AMD	93-07-039	458-14-025	AMD-P	93-05-015	490-08B-030	NEW	93-06-005
392-105-060	AMD-P	93-03-002	458-14-026	NEW-P	93-05-015	490-08B-040	NEW-P	93-02-045
392-105-060	AMD	93-07-039	458-14-127	AMD-P	93-05-015	490-08B-040	NEW	93-06-005
392-121-445	AMD	93-04-054	458-14-170	AMD-P	93-05-015	490-08B-050	NEW-P	93-02-045
392-122-400	NEW-P	93-07-046	458-14-171	NEW-P	93-05-015	490-08B-050	NEW	93-06-005
392-122-401	NEW-P	93-07-046	458-18-220	AMD-P	93-03-024	490-08B-060	NEW-P	93-02-045
392-122-405	NEW-P	93-07-046	458-18-220	AMD-E	93-03-025	490-08B-060	NEW	93-06-005
392-122-410	NEW-P	93-07-046	458-18-220	AMD	93-06-096	490-08B-070	NEW-P	93-02-045
392-122-415	NEW-P	93-07-046	458-20-101	PREP	93-02-046	490-08B-070	NEW	93-06-005
392-140-250	REP-P	93-07-047	458-20-119	AMD-P	93-07-069	490-08B-080	NEW-P	93-02-045
392-140-252	REP-P	93-07-047	458-20-124	AMD-P	93-07-070	490-08B-080	NEW	93-06-005
392-140-253	REP-P	93-07-047	458-20-149	REP	93-03-005	490-10-010	NEW-P	93-02-045
392-140-254	REP-P	93-07-047	458-20-174	PREP	93-02-047	490-10-010	NEW	93-06-005
392-140-255	REP-P	93-07-047	458-20-17901	AMD-P	93-04-045	490-13-010	NEW-P	93-02-045
392-140-256	REP-P	93-07-047	458-20-17901	AMD	93-07-066	490-13-010	NEW	93-06-005
392-140-257	REP-P	93-07-047	458-20-229	AMD	93-04-077	490-100-250	AMD-P	93-02-044
392-140-258	REP-P	93-07-047	458-20-230	AMD	93-03-004	490-100-250	AMD	93-06-006
392-140-259	REP-P	93-07-047	458-30-262	AMD-P	93-04-020	490-276-010	NEW-P	93-02-045
392-140-265	REP-P	93-07-047	458-30-262	AMD-E	93-04-021	490-276-010	NEW	93-06-005
392-140-266	REP-P	93-07-047	458-30-262	AMD	93-07-067	490-276-020	NEW-P	93-02-045
392-140-267	REP-P	93-07-047	458-40-634	PREP	93-07-068	490-276-020	NEW	93-06-005
392-145-030	AMD	93-05-023	463-30-055	NEW-P	93-07-094	490-276-030	NEW-P	93-02-045
392-167A-005	NEW-P	93-07-048	468-16-030	AMD	93-03-020	490-276-030	NEW	93-06-005
392-167A-010	NEW-P	93-07-048	468-16-040	AMD	93-03-020	490-276-040	NEW-P	93-02-045
392-167A-015	NEW-P	93-07-048	468-16-050	AMD	93-03-020	490-276-040	NEW	93-06-005
392-167A-020	NEW-P	93-07-048	468-16-060	AMD	93-03-020	490-276-050	NEW-P	93-02-045
392-167A-025	NEW-P	93-07-048	468-16-070	AMD	93-03-020	490-276-050	NEW	93-06-005
392-167A-030	NEW-P	93-07-048	468-16-090	AMD	93-03-020	490-276-060	NEW-P	93-02-045
392-167A-035	NEW-P	93-07-048	468-16-100	AMD	93-03-020	490-276-060	NEW	93-06-005
392-167A-040	NEW-P	93-07-048	468-16-120	AMD	93-03-020	490-276-070	NEW-P	93-02-045
392-167A-045	NEW-P	93-07-048	468-16-130	AMD	93-03-020	490-276-070	NEW	93-06-005
392-167A-050	NEW-P	93-07-048	468-16-140	AMD	93-03-020	490-276-080	NEW-P	93-02-045
392-167A-055	NEW-P	93-07-048	468-16-150	AMD	93-03-020	490-276-080	NEW	93-06-005
392-167A-060	NEW-P	93-07-048	468-16-160	AMD	93-03-020	490-276-090	NEW-P	93-02-045
392-167A-065	NEW-P	93-07-048	468-16-170	AMD	93-03-020	490-276-090	NEW	93-06-005
392-167A-070	NEW-P	93-07-048	468-16-180	AMD	93-03-020	490-276-100	NEW-P	93-02-045
392-167A-075	NEW-P	93-07-048	468-16-190	AMD	93-03-020	490-276-100	NEW	93-06-005
392-167A-080	NEW-P	93-07-048	468-16-200	AMD	93-03-020	490-276-110	NEW-P	93-02-045
392-167A-085	NEW-P	93-07-048	468-38-360	AMD	93-04-071	490-276-110	NEW	93-06-005
392-167A-090	NEW-P	93-07-048	468-52-010	NEW	93-03-033	490-276-120	NEW-P	93-02-045
392-196-005	AMD	93-07-037	468-52-020	NEW	93-03-033	490-276-120	NEW	93-06-005
392-196-030	AMD	93-07-037	468-52-030	NEW	93-03-033	490-276-130	NEW-P	93-02-045
392-196-080	AMD	93-07-037	468-52-040	NEW	93-03-033	490-276-130	NEW	93-06-005
392-196-095	AMD	93-07-037	468-52-050	NEW	93-03-033	490-276-140	NEW-P	93-02-045
434-600-010	NEW	93-04-001	468-52-060	NEW	93-03-033	490-276-140	NEW	93-06-005
434-610-010	NEW	93-04-001	468-52-070	NEW	93-03-033	495B-104-010	NEW	93-05-018
434-610-020	NEW	93-04-001	468-95-035	NEW-C	93-07-055	495B-104-020	NEW	93-05-018
434-610-025	NEW	93-04-001	468-95-037	NEW-C	93-07-055	495B-104-030	NEW	93-05-018
434-610-030	NEW	93-04-001	480-12-181	AMD	93-05-038	495B-108-010	NEW	93-05-018
434-610-040	NEW	93-04-001	480-110-023	NEW-P	93-06-056	495B-108-020	NEW	93-05-018
434-610-050	NEW	93-04-001	480-110-176	AMD-P	93-06-056	495B-108-030	NEW	93-05-018
434-610-060	NEW	93-04-001	480-120-021	AMD	93-06-055	495B-108-040	NEW	93-05-018
434-610-070	NEW	93-04-001	480-120-031	AMD-P	93-02-068	495B-108-050	NEW	93-05-018
434-610-080	NEW	93-04-001	480-120-031	AMD	93-07-089	495B-108-060	NEW	93-05-018
434-610-090	NEW	93-04-001	480-120-051	AMD	93-06-055	495B-108-070	NEW	93-05-018
434-610-100	NEW	93-04-001	480-120-086	REP	93-06-055	495B-108-080	NEW	93-05-018
434-610-110	NEW	93-04-001	480-120-350	NEW-P	93-05-013	495B-116-010	NEW	93-05-018
434-610-120	NEW	93-04-001	480-120-500	NEW	93-06-055	495B-116-020	NEW	93-05-018
434-615-010	NEW	93-04-001	480-120-505	NEW	93-06-055	495B-116-030	NEW	93-05-018
434-615-020	NEW	93-04-001	480-120-510	NEW	93-06-055	495B-116-040	NEW	93-05-018
434-615-030	NEW	93-04-001	480-120-515	NEW	93-06-055	495B-116-050	NEW	93-05-018
434-620-010	NEW	93-04-001	480-120-520	NEW	93-06-055	495B-116-060	NEW	93-05-018
434-624-010	NEW	93-04-001	480-120-525	NEW	93-06-055	495B-116-070	NEW	93-05-018
434-624-020	NEW	93-04-001	480-120-530	NEW	93-06-055	495B-116-080	NEW	93-05-018
434-624-030	NEW	93-04-001	480-120-535	NEW	93-06-055	495B-116-090	NEW	93-05-018
434-624-040	NEW	93-04-001	490-04B-010	NEW-P	93-02-045	495B-116-100	NEW	93-05-018
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495B-116-140	NEW	93-05-018	495B-276-120	NEW	93-05-018
495B-116-150	NEW	93-05-018	495B-276-130	NEW	93-05-018
495B-116-160	NEW	93-05-018	495B-276-140	NEW	93-05-018
495B-116-170	NEW	93-05-018	495B-280-010	NEW	93-05-018
495B-116-180	NEW	93-05-018	495B-280-015	NEW	93-05-018
495B-116-190	NEW	93-05-018	495B-280-020	NEW	93-05-018
495B-116-200	NEW	93-05-018	495B-280-030	NEW	93-05-018
495B-116-210	NEW	93-05-018	495B-280-040	NEW	93-05-018
495B-116-220	NEW	93-05-018	495B-280-050	NEW	93-05-018
495B-116-230	NEW	93-05-018	495B-280-060	NEW	93-05-018
495B-116-240	NEW	93-05-018	495B-280-070	NEW	93-05-018
495B-116-250	NEW	93-05-018	495B-280-080	NEW	93-05-018
495B-116-260	NEW	93-05-018	495B-280-090	NEW	93-05-018
495B-116-270	NEW	93-05-018	495B-280-100	NEW	93-05-018
495B-116-280	NEW	93-05-018	495B-280-110	NEW	93-05-018
495B-120-010	NEW	93-05-018	495B-280-120	NEW	93-05-018
495B-120-020	NEW	93-05-018	495B-300-010	NEW	93-05-018
495B-120-030	NEW	93-05-018	495B-300-020	NEW	93-05-018
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495B-120-045	NEW	93-05-018	495B-300-040	NEW	93-05-018
495B-120-050	NEW	93-05-018	495B-310-010	NEW	93-05-018
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495B-120-070	NEW	93-05-018	495B-310-030	NEW	93-05-018
495B-120-080	NEW	93-05-018	495B-310-040	NEW	93-05-018
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495B-120-130	NEW	93-05-018			
495B-120-135	NEW	93-05-018			
495B-120-140	NEW	93-05-018			
495B-120-150	NEW	93-05-018			
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495B-122-020	NEW	93-05-018			
495B-122-030	NEW	93-05-018			
495B-130-010	NEW	93-05-018			
495B-131-010	NEW	93-05-018			
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