

# Washington State Register

**MAY 15, 1996**

**OLYMPIA, WASHINGTON**

**ISSUE 96-10**



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## CITATION

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

## PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (360) 753-7470.

## REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

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

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

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

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# WASHINGTON STATE REGISTER

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

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

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

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

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

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

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

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

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

### 4. EFFECTIVE DATE OF RULES

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

### 5. EDITORIAL CORRECTIONS

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

**1995 - 1996**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than 12:00 NOON--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
95-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
95-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
95-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
95-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
95-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
95-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996
96-01	Nov 22	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 23
96-02	Dec 6	Dec 20, 1995	Jan 3, 1996	Jan 17	Feb 6
96-03	Dec 27, 1995	Jan 10, 1996	Jan 24	Feb 7	Feb 27
96-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 12
96-05	Jan 24	Feb 7	Feb 21	Mar 6	Mar 26
96-06	Feb 7	Feb 21	Mar 6	Mar 20	Apr 9
96-07	Feb 21	Mar 6	Mar 20	Apr 3	Apr 23
96-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
96-09	Mar 20	Apr 3	Apr 17	May 1	May 21
96-10	Apr 3	Apr 17	May 1	May 15	Jun 4
96-11	Apr 24	May 8	May 22	Jun 5	Jun 25
96-12	May 8	May 22	Jun 5	Jun 19	Jul 9
96-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
96-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
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96-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
96-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
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96-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
96-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
96-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
96-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
96-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
96-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1997

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

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

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

## **REGULATORY FAIRNESS ACT**

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

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

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

### **Mitigation**

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

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

When:

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

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

When:

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

There is less than minor economic impact on business;

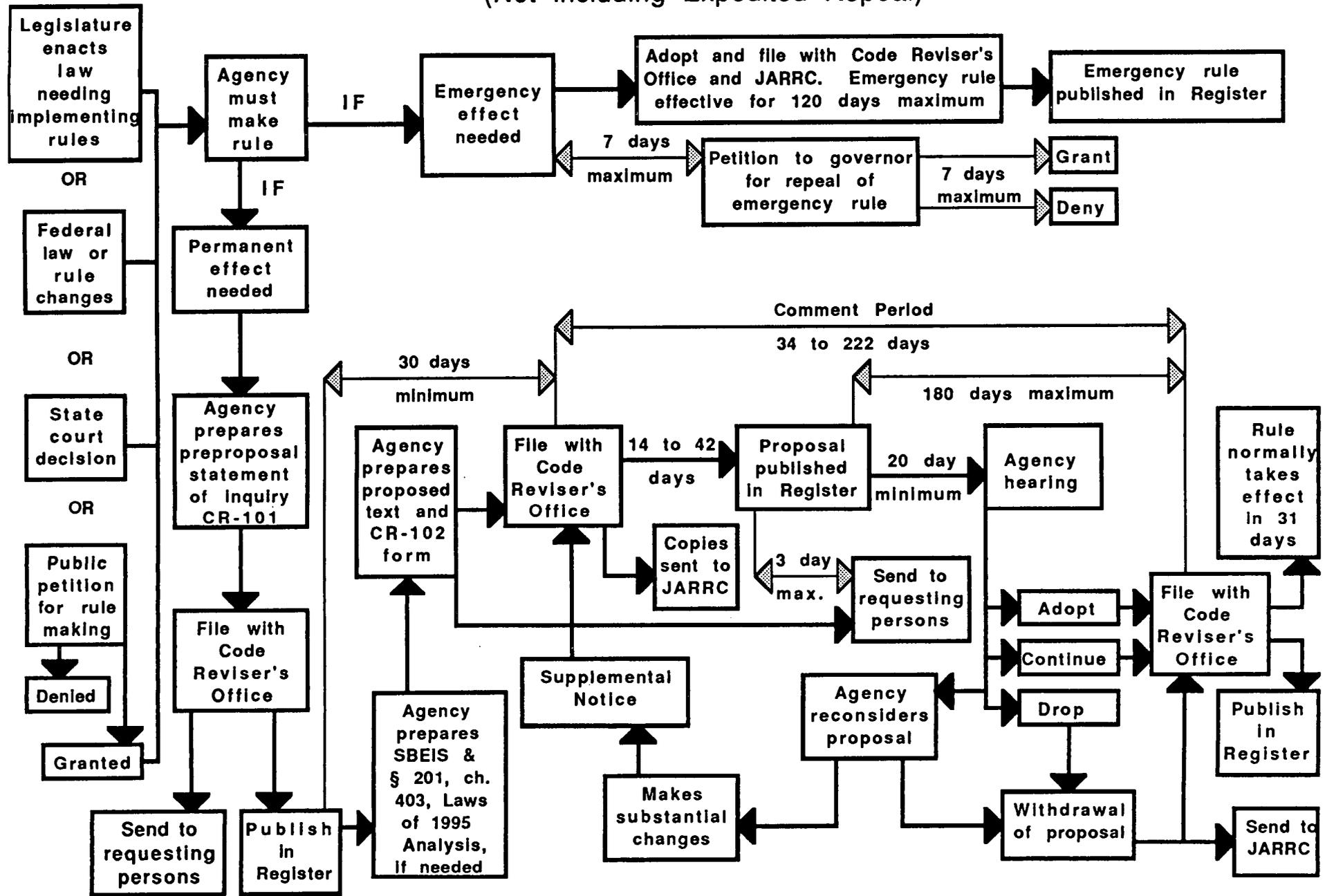
The rule **REDUCES** costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

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

The rule is pure restatement of state statute.

# RULE-MAKING PROCESS

(Not including Expedited Repeal)



**WSR 96-10-003****PREPROPOSAL STATEMENT OF INQUIRY  
STATE BOARD OF EDUCATION**

[Filed April 18, 1996, 10:52 a.m.]

Subject of Possible Rule Making: Amendments to chapter 180-40 WAC, Pupils (student rights and responsibilities).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.305.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To implement chapter 321, Laws of 1996 and make other changes as may be advisable or technically necessary.

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

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by sending written comments to Rules Coordinator, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, FAX (360) 586-2357, TDD (360) 664-3631. For telephone assistance contact Larry Davis, (360) 753-6715.

April 18, 1996

Larry Davis

Executive Director

**WSR 96-10-011****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed April 19, 1996, 1:31 p.m.]

Subject of Possible Rule Making: Medical Assistance Administration is considering adding three sections to chapter 388-538 WAC, Managed care. These sections will institute a requirement for clients to remain in the same plan up to twelve months; provide good cause standards and procedures to change plans during the twelve months; and provide an open-enrollment period.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.09.522, ESSB 6251, Section 209 and Section 1115(a) of the Social Security Act.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide continuity of medical care for clients; to provide incentives to managed care plans to assure client access; to streamline administration of the managed care Medicaid program; and to establish standards and procedures for changing plans.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of Insurance Commissioner, Department of Health, other division[s] within the Department of Social and Health Services.

Process for Developing New Rule: Medical assistance will convene a group of interested persons to develop, review and comment on these proposed rule[s].

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Bobbe J. Andersen, Program Manager, Medical Assistance Administration, Mailstop 45530, P.O. Box 45530, Olympia, WA 98504-5530, phone (360) 753-0529, FAX (360) 753-7315, TDD 1-800-848-5429.

April 19, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit**WSR 96-10-016****PREPROPOSAL STATEMENT OF INQUIRY  
SKAGIT VALLEY COLLEGE**

[Filed April 22, 1996, 10:16 a.m.]

Subject of Possible Rule Making: Adopt WAC 132D-120-055 Antihazing policy.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This policy states very strongly that Skagit Valley College prohibits student organizations and their members from engaging individually or collectively in hazing activities. It also outlines appeal and sanction procedures.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Judi Knutzen, Skagit Valley College, 2405 College Way, Mt. Vernon, WA 98273, call (360) 428-1667, FAX (360) 428-1202. A public hearing will be held; date to be set later.

April 18, 1996

Judi Knutzen

WAC Rules Coordinator

**WSR 96-10-018****PREPROPOSAL STATEMENT OF INQUIRY  
FORENSIC INVESTIGATIONS COUNCIL**

[Filed April 22, 1996, 10:36 a.m.]

Subject of Possible Rule Making: Description and operations of agency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Title 34 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: (1) Comply with state law; and (2) advise interested parties of agency's functions.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Unknown.

Process for Developing New Rule: Agency study.

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

publication by contacting Darrell Russell, Washington Association of Prosecuting Attorneys, 206 10th Avenue S.E., Olympia, WA 98501, (360) 753-2175.

April 22, 1996  
Darrell Russell  
Rules Coordinator

#### WSR 96-10-022

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 24, 1996, 10:45 a.m.]

Subject of Possible Rule Making: Adoption of procedural rules for making applications for special vehicle license plates for officers of the Taipeit Economic and Cultural Office.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject will prescribe the method for and documentation needed to be provided with application for the special license plate.

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

Process for Developing New Rule: The adoption of rules that may be proposed are related to the process requirements for applying a vehicle license and are exempt from RCW 34.05.310.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by June 15, 1996.

April 23, 1996  
Nancy Kelly, Administrator  
Title and Registration Services

#### WSR 96-10-023

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 24, 1996, 10:47 a.m.]

Subject of Possible Rule Making: Rules related to licensing of parts cars, street rod vehicles, kit vehicles, collector vehicles, and horseless carriage vehicles.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules regulating the licensing of these vehicles may be needed to implement chapter 255 [225], Laws of 1996. The rules will provide specific instructions on the application and documentation required to obtain proper licensing.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Patrol involved in the inspec-

tion of the vehicles. Input to rule making is requested from the agency.

Process for Developing New Rule: The adoption or repeal of rules that may be proposed are related to the process requirements for applying for a vehicle license and are exempt from RCW 34.05.310.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by June 15, 1996.

April 23, 1996  
Nancy Kelly, Administrator  
Title and Registration Services

#### WSR 96-10-024

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF LICENSING

[Filed April 24, 1996, 10:48 a.m.]

Subject of Possible Rule Making: Defining passenger motor vehicle for use in ride sharing for persons with special transportation needs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.01.110 and 46.74.010(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Department of Licensing is charged with defining vehicles that may be used for this purpose. Only specific vehicles may be used for transportation of persons with special transportation needs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Utilities and Transportation Commission regulate the private, nonprofit transportation providers for transportation of persons with special transportation needs.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885. Comments are requested by June 15, 1996.

April 23, 1996  
Nancy Kelly, Administrator  
Title and Registration Services

**WSR 96-10-027**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**BOARD OF ACCOUNTANCY**

[Filed April 24, 1996, 3:05 p.m.]

Board members perceive that a rule change to simplify continuing professional education reporting for certified public accountants licensed in more than one state is presently a low priority. Therefore, the Board of Accountancy hereby withdraws its Preproposal Statement of Inquiry (CR-101) for WAC 4-25-810 Continuing professional education (CPE)—Who must have CPE, filed with your office on February 21, 1996 (WSR 96-05-084).

Carey L. Rader, CPA  
 Executive Director

**WSR 96-10-034**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Medical Assistance Administration)  
 (Public Assistance)

[Filed April 24, 1996, 4:27 p.m.]

Subject of Possible Rule Making: WAC 388-513-1395 Institutional—Medically needy, 388-518-1805 LCP-MI eligibility, 388-518-1810 LCP-MI EMER, 388-519-1905 Base period, and 388-522-2230 Eligibility reviews.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, Budget Note 17 and clarification re: 42 CFR 435.916.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Allow twelve-month MN certification and three-month MI certification after April 30, 1996.

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

Process for Developing New Rule: The department will distribute draft material for an internal and external review process. All comments are taken into consideration before issuance of final rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanie Scotson, Program Manager, Medical Assistance Administration, Mailstop 45530, Olympia, Washington 95840-5530, phone (360) 753-7462, FAX (360) 753-7315, TDD 1-800-848-5429.

April 24, 1996  
 Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

**WSR 96-10-035**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**APPRENTICESHIP AND TRAINING COUNCIL**

[Filed April 25, 1996, 12:15 p.m.]

Subject of Possible Rule Making: Amend chapter 296-04 WAC to describe methods to identify a bona fide employer or employee organization or individuals known to

represent the interests of employers or employees. Clarify procedures and requirements of apprenticeship committees. Comply with federal court decision relating to provisions of WAC 296-04-001. Address identification of apprenticeship agreements as set forth in WAC 296-04-270 and the subject of WSR 96-03-092. Make changes to reflect gender neutrality. Correct code reviser filing errors. Establish a procedure to resolve complaints arising out of the conduct of approved training agents. Amend rules, as necessary to make them clear and useable without modifying the substance or intent of the provision. Enact some agency policies as rules. Address possible inconsistencies between state and federal affirmative action provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.04.010 and 49.04.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Interested parties have requested clear definitions and illustrations of how to address apprenticeship committee composition concerns. Past and recent procedural irregularities have resulted in codification of erroneous provisions which need to be corrected. The goal is to provide reasoned, predictable and efficient procedures for the administration of state approval of apprenticeship committees, programs, revisions, and the conduct of parties.

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

Process for Developing New Rule: Meet with interested parties and solicit their comments and suggestions in the drafting of procedural rules. Editorial and consistency changes will be done through agency review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties are welcome to send written or oral comments to Lynn D. W. Hendrickson, Assistant Attorney General, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012, (206) 464-6219; Robin White, Apprenticeship Program Manager, Department of Labor and Industries, P.O. Box 44530, Olympia, WA 98504, (360) 902-5320.

April 19, 1996  
 Frank Forrest  
 Chair

**WSR 96-10-038**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)

[Filed April 25, 1996, 2:31 p.m.]

Subject of Possible Rule Making: This rule will place carisoprodol in WAC 246-887-170 Schedule IV of the Uniform Controlled Substances Act.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.64.005(7), 69.50.201.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The abuse of licit drugs is a major medical, social and economic problem in the United

PREPROPOSAL

States. Evidence indicates that the abuse of carisoprodol is increasing. This rule will alert physicians and patients to the addictive potential of carisoprodol. Placing carisoprodol in Schedule IV of the Uniform Controlled Substances Act should curtail the abuse of the drug.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Board of Pharmacy has notified the Drug Enforcement Administration of its intent to place carisoprodol in Schedule IV of the Uniform Controlled Substances Act. The Board of Pharmacy has also met with representatives of the Medical and Nursing Commission. Although the Medical and Nursing Commission do not regulate this subject, their licensees will be affected.

Process for Developing New Rule: Public meetings, newsletter articles.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Donald H. Williams, Executive Director, Department of Health, Board of Pharmacy, Box 47863, Olympia, WA 98504-7863, (360) 753-6834, FAX (360) 586-4359.

April 16, 1996  
Donald H. Williams  
Executive Director

**WSR 96-10-041**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed April 26, 1996, 1:10 p.m.]

Subject of Possible Rule Making: Change in WAC 12-18-020 Pilot registration fees, to reflect the increase in fee as authorized by the legislature.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 47.68.210, 47.68.236, ESHB 2343 (transportation supplemental budget).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 47.68.210 grants the state Department of Transportation, Aviation Division, to impose a \$10.00 per year pilot registration fee which is deposited in the search and rescue, safety and education fund according to RCW 47.68.236. The state legislature authorized an increase in the fee from \$5.00 to \$8.00 per year. The proposed rule making would change the numbers to reflect the legislative action.

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

Process for Developing New Rule: Agency study; and in the process of seeking legislative approval, the Aviation Division contacted constituent groups in person and through the quarterly newspaper. (Fliteplan) advising them and seeking input on the intent to raise the fee. In addition a survey of pilots was conducted (written) which resulted in an eighty percent approval rate for the increase. The Aviation Division will now seek a resolution from the Transportation Commission in order to proceed with the increase.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Washington Pilot Association,

Doug Kandle, 1921 N.E. 203 Court, Woodinville, WA 98072, 788-2021; Seaplane Pilots Association, Bob Hamilton, P.O. Box 1610, Vashon Island, WA 98070, (206) 463-2460; WASAR, Karen Carton, 9509 232nd S.W., Edmonds, WA 98020, (260) 546-3695; SARVAC, Grant Smith, 8106 53rd Street Court West, Tacoma, WA 98467, (206) 565-8980; and CAP, Colonel Doug Jones, 1204 12th Street N.E., Building 1204, McChord AFB, WA 98438, (360) 734-6403.

April 26, 1996  
Gretchen P. White  
for S. A. Moon  
Deputy Secretary  
for Operations

**WSR 96-10-048**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF MARINE SAFETY**  
[Filed April 29, 1996, 10:16 a.m.]

Subject of Possible Rule Making: Proposed rules will address: (1) Acceptable evidence of financial responsibility; (2) financial responsibility limits for tank barges 300 gross tons or less; and (3) financial responsibility limits for tank vessels that meet standards of construction, propulsion, equipment and personnel.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 88.40.020 and 88.40.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Statute Summary: Chapter 88.40 RCW was enacted in 1991 and became effective May 15, 1991. The statute establishes levels of financial responsibility for certain vessels and requires owners and operators of those vessels to provide evidence demonstrating the required level. A vessel's financial responsibility must be able to meet state and federal liability for the actual costs of oil spill cleanup, natural resource damages, and necessary state or federal expenses.

Financial responsibility must be demonstrated in the following amounts:

- (1) Inland barges of any size carrying hazardous substances in bulk must be covered in the amount of \$1 million or \$150 per gross ton, whichever is greater;
- (2) Cargo vessels 300 gross tons or more must be covered in the amount of \$500,000 or \$600 per gross ton, whichever is greater;
- (3) Passenger vessels 300 gross tons or more with a fuel capacity of at least 6,000 gallons must be covered in the amount of \$500,000 or \$600 per gross ton, whichever is greater;
- (4) Tank vessels of any size must be covered in the amount of \$500 million.

Evidence of financial responsibility may be an insurance policy, surety bond, qualification as a self-insurer, or other evidence acceptable to the office. Documentation demonstrating the required level of financial responsibility must be kept on the vessel. The documentation must also be on file with the office twenty-four hours before the vessel enters Washington waters unless the vessel has a valid certificate of financial responsibility from the United States Coast Guard that meets state levels of financial responsibility.

Tank vessels enrolled in a protection and indemnity (P&I) club do not have to provide evidence of financial responsibility if the club's pollution cover is \$500 million or more. Another state's document may be used if that state's level of financial responsibility equals the level required under RCW 88.40.020.

The office may reduce the level of financial responsibility for tank vessels in two ways:

(1) The office may, by rule, reduce financial responsibility for tank barges 300 gross tons or less based on cargo capacity; or

(2) The office may reduce financial responsibility for tank vessels that meet construction, propulsion, equipment and personnel standards adopted by the office in rule.

In either case, the office may not reduce a tank vessel's financial responsibility below that required by OPA '90.

Should a vessel fail to comply with chapter 88.40 RCW or the federal Oil Pollution Act of 1990 (OPA '90), the office may deny entry to state waters, notify the United States Coast Guard, prosecute the responsible parties for commission of a gross misdemeanor, and/or fine the parties \$100,000 for each day the vessel remains in violation.

Need for Rules: Three rule makings are authorized by chapter 88.40 RCW:

(1) RCW 88.40.030: OMS may adopt rules describing acceptable methods of evidencing financial responsibility.

(2) RCW 88.40.020 (2)(b): OMS may adopt rules establishing lower levels of financial responsibility for tank barges 300 gross tons or less based on cargo capacity.

(3) RCW 88.40.020(5): OMS may adopt rules establishing lower levels of financial responsibility for tank vessels that meet standards of construction, propulsion, equipment, and personnel.

Covered vessels are required to keep evidence of financial responsibility on board and have the evidence on file with OMS at least twenty-four hours before entering Washington waters. There are two exceptions to this reporting requirement. Cargo and passenger vessels more than 300 gross tons with a federal OPA '90 COFR do not have to comply with the twenty-four hour rule because OPA '90 levels meet Washington's levels of financial responsibility. Further, tank vessels enrolled in a P&I Club are not required to submit evidence if the P&I Club provides pollution coverage of \$500 million or more. These two exceptions apply to the vast majority of vessels operating in Washington waters.

Rules are needed for self-propelled tank vessels less than forty meters in length and tank and inland barges 300 gross tons or less. These vessels are not required to meet the federal financial responsibility requirements of OPA '90 or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) but are required to comply with Washington's financial responsibility law.

Rules may be needed to reduce financial responsibility for tank vessels that meet construction, propulsion, equipment and personnel standards adopted by the office.

Contents of Proposed Rules: The proposed rules would contain up to four parts depending on the results of the survey questionnaire (see below):

(1) Part one would contain application and definitional sections.

(2) Part two would describe what evidence would be acceptable to OMS in demonstrating a vessel's required financial responsibility.

(3) Part three would contain formulas for reducing a tank vessel's financial responsibility either because it met described standards for construction, propulsion, equipment and personnel, or because it is a small tank barge.

(4) Part four would describe OMS's enforcement of the rules and chapter 88.40 RCW.

Although vessels operating in Washington waters are required to comply with the requirements of chapter 88.40 RCW, the rules would describe evidence necessary to either demonstrate the required amount of financial responsibility or meet the exceptions provided in statute. More importantly, the rules would describe how qualified owners and operators of tank vessels may reduce their required financial responsibility.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Both federal and state agencies regulate commercial vessel financial responsibility for pollution incidents. The United States Coast Guard regulates financial responsibility requirements imposed by OPA '90 and CERCLA. Fourteen states other than Washington have statutes requiring financial responsibility from vessels, including Alaska, Oregon and California which require levels of financial responsibility in excess of that required under federal law.

Where chapter 88.40 RCW is consistent with other financial responsibility regimes, the legislature authorized OMS to recognize those federal or state certifications.

To assure maximum compatibility among state and federal programs, OMS will consult with the United States Coast Guard and other west coast states through the states/BC task force.

Process for Developing New Rule: OMS will solicit comments and input from affected and interested parties through a questionnaire addressing the four areas of the proposed rules. The questionnaire, below, solicits comments on the proposed methods of demonstrating financial responsibility, and for reducing required levels of financial responsibility for all tank vessels and small tank barges.

Responses to the questionnaire will be compiled and rules based on the comments submitted will be drafted by mid-June. The proposed rules will then be filed and public hearings scheduled in August.

FINANCIAL RESPONSIBILITY QUESTIONNAIRE

The Office of Marine Safety is considering whether to exercise its rulemaking authority under chapter 88.40 RCW governing financial responsibility for covered vessels. The following questionnaire seeks input to assist the Office in making this determination. Please respond by May 31, 1996.

Background

Under RCW 88.40.030, evidence of financial responsibility may be an insurance policy, surety bond, qualification as a self-insurer, or other evidence acceptable to the Office. Documentation demonstrating the required level of financial responsibility must be kept on the vessel and on file with the Office 24 hours before the vessel enters Washington waters.

Two exceptions to this requirement allow most vessels to comply. Cargo and passenger vessels more than 300 gross tons with a federal OPA '90 Certificate of Financial Responsibility (COFR) do not have to comply with the 24-hour rule since OPA '90 requirements meet Washington's requirements. Tank vessels enrolled in a Protection and Indemnity Club (P&I Club) are not required to submit evidence if the P&I Club provides pollution coverage of \$500 million or more.

However, self-propelled tankers 40 meters or less in overall length, and tank and inland barges 300 gross tons or less do not fall within the coverage of OPA '90 or CERCLA yet must meet Washington's financial responsibility law. Currently, these companies must be able to demonstrate financial responsibility of \$500 million for tank vessels, or the greater of \$1 million or \$150 per gross ton for inland barges carrying hazardous substances in bulk.

On March 21, 1996, the Office filed an emergency rule that reduced financial responsibility for tank barges 300 gross tons or less to the greater of \$1200 per gross ton or \$2 million. This rule is effective until July 20, 1996. The rule was necessary to allow the owner or operators of these vessels to submit complete oil spill prevention plans under chapter 317-21 WAC.

Purpose of Questionnaire

The Office is seeking input on the scope of rules governing financial responsibility. Other than small tank vessels and inland barges, in the absence of rules most vessels are able to comply with Washington's law by complying with federal requirements or by enrolling in a P&I Club. For this reason, the Office is not inclined to exercise its full rulemaking authority under chapter 88.40 RCW. However, the Office is willing to consider rules that provide incentives to owners or operators of tank vessels demonstrating exceptional compliance with chapter 317-21 WAC and other standards of construction, propulsion, equipment and personnel.

Instructions

You may type or write the answers to the questions on the form, or submit the answers separately with the questions identified by number. Upon completion, please mail the questionnaire to:

Office of Marine Safety
PO Box 42407
Olympia, Washington 98504-2407
Attention: Jeff Fishel

If a question does not apply, please indicate by writing "N/A". For questions that ask for an estimate, please provide an answer that you are comfortable with and that fairly represents your company's experience. If you are unsure about a question, or have other questions, please call Jeff Fishel (206/664-9124).

1. General

How would you characterize the nature of your interest in this rulemaking?

- Checkboxes for Cargo vessel owner/operator, Tank barge owner/operator, Passenger vessel owner/operator, Vessel agent, Environmentalist, Other, Tanker owner/operator, Fishing vessel owner/operator, Inland barge owner/operator, Vessel management, Insurance provider.

(Please describe)

2. Evidence of financial responsibility

If applicable, how do you currently comply with Washington State financial responsibility requirements?

- Checkboxes for COFR issued by the US Coast Guard under 33 CFR Part 138, Enrollment in a P&I Club that offers \$500 million or more pollution coverage, Insurance provided by a member of the Water Quality Insurance Syndicate, Other.

(Please describe)

**3. Financial responsibility for tank vessels**

- a) If the Office offered reduced financial responsibility for tank vessels under RCW 88.40.020(5), would you take advantage of the opportunity? If so, how would this opportunity benefit your company or interests?
- b) The Office must base reduction in the level of tank vessel financial responsibility on standards of construction, propulsion, equipment and personnel. For which standards would you want the Office to reduce tank vessel financial responsibility? How would you determine the reduced level of financial responsibility?

**4. Financial responsibility for small tank barges**

Under RCW 88.40.020 (2)(b), the Office may reduce the financial responsibility of tank barges 300 gross tons or less based on cargo capacity. Financial responsibility, by definition in RCW 88.40.020(4), is required to meet the "actual costs for removal of oil spills, for natural resource damages and necessary expenses" up to the limit required by law.

- a) How would you propose that the Office reduce financial responsibility for small tank barges based on cargo capacity?
- b) Please describe any studies, reports, data or other information that would support your proposal?

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Fishel, Policy Analyst, Office of Marine Safety, P.O. Box 42407, Olympia, WA 98504-2407, (360) 664-9124.

April 24, 1996  
Barbara Herman  
Director

**WSR 96-10-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR CONTROL BOARD**

[Filed April 30, 1996, 9:59 a.m.]

Subject of Possible Rule Making: Delegation of authority for approving uncontested or unopposed license applications.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.24.010 and 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board receives many routine license applications which are neither opposed or contested. It is proposed that the approval of such license applications be delegated to specific staff members of the board in accordance with RCW 66.24.010. In this way, routine applications could be considered and approved in a faster manner with the triumvirate giving detailed consideration to any applications which are opposed or contested.

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

Process for Developing New Rule: Agency will work with interested parties in researching and developing specific restrictions and guidelines for such authorization.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting M. Carter Mitchell, Washington State Liquor Control Board, P.O. Box 43080, Olympia, WA 98504-3080, FAX (360) 664-9689, submit comments by June 4, 1996.

April 24, 1996  
Nathan S. Ford, Jr.  
Chairman

**WSR 96-10-058**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Filed April 30, 1996, 1:44 p.m.]

Subject of Possible Rule Making: WAC 275-30-020 Conditions of parole.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 13.40.320(8).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule specifies a youth who successfully graduates from the basic training camp program shall comply with the provisions of an intensive aftercare program imposed pursuant to RCW 13.40.320(8). The rule adds this provision as a condition of parole.

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

Process for Developing New Rule: Agency study. The department/juvenile rehabilitation administration will conduct an internal and external review process before filing forms CR-101 and/or CR-102, and considers all comments during these processes.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marty Butkovich, Juvenile Rehabilitation Administration, 14th and Jefferson Street, P.O. Box 45720, Olympia, WA 98504, (360) 753-7406.

April 30, 1996  
Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**WSR 96-10-067**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed May 1, 1996, 8:11 a.m.]

Subject of Possible Rule Making: Recreational fishing rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: There are changes needed

for lake rehabilitation and to provide recreational opportunity.

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

Process for Developing New Rule: Agency study.

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

May 1, 1996  
Evan S. Jacoby  
Rules Coordinator

**WSR 96-10-068**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 1, 1996, 8:13 a.m.]

Subject of Possible Rule Making: Migratory bird season and game reserve amendments; nontoxic shot; game auctions/raffles; permit hunts and permit drawings.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040, 77.12.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Provide recreational opportunities. Clarification of rules and to assist in enforcement. Provide sanctuary for migratory birds.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Waterfowl, coot and snipe seasons (including falconry) are also regulated by the United States Fish and Wildlife Service (USFWS). The USFWS develops regulations based on input by WDFW and other states. Then WDFW develops regulations based on those adopted by USFWS.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by June 20, 1996. Expected Rule Proposal Filing: July 3, 1996.

April 24, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-10-069**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 1, 1996, 8:15 a.m.]

Subject of Possible Rule Making: Permit hunts, weighted permit hunts and selection of participants.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Permit hunts on privately managed lands have different selection criteria from general permit hunts.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2504. Contact by July 1, 1996. Anticipated Rule Proposal Filing: July 3, 1996.

April 30, 1996  
Evan S. Jacoby  
Rules Coordinator

**WSR 96-10-072**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 1, 1996, 10:15 a.m.]

Subject of Possible Rule Making: Washington state falconry regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To bring state regulations in line with changing federal falconry regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: United States Fish and Wildlife Service regulates falconry on a federal basis. State and federal agencies use same federal form to maintain coordination and consistency.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2504. Contact by June 20, 1996. Expected Rule Proposal Filing: July 3, 1996.

April 24, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-10-078**

**PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed May 1, 1996, 11:17 a.m.]

Subject of Possible Rule Making: Amending 1996 trapping season.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.12.040, 77.12.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: To provide recreational trapping opportunity.

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

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Dave Brittell, Wildlife Management Program, 600 Capitol Way North, Olympia, WA 98501-1091. Contact by June 20, 1996. Expected Rule Proposal Filing: July 3, 1996.

May 1, 1996  
Evan Jacoby  
Rules Coordinator

**WSR 96-10-079**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF AGRICULTURE**  
[Filed May 1, 1996, 11:24 a.m.]

Subject of Possible Rule Making: Dairy producer degrades.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.36.021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department will place into rule the criteria used for determining dairy degrade periods. RCW 15.36.111 provides that when the director finds repeat violations of grade requirements established in chapter 15.36 RCW and the pasteurized milk ordinance (PMO) as adopted into rule, the director will degrade the dairy farm. HB 2134 as passed in the 1996 session amended RCW 15.36.111 and eliminated the requirement that a degrade be effective immediately when a farm has any repeat violations on a consecutive inspection.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Under the interstate milk shippers program the Washington State Department of Agriculture enforces the dairy laws with the oversight of the federal Food and Drug Administration (FDA). These activities are coordinated through an interagency agreement and grant from the FDA.

Process for Developing New Rule: The department will seek input from the Dairy Inspection Program Advisory Committee (DIPAK), the Washington Dairy Federation, Washington State Dairy Commission, National Conference of Interstate Milk Shippers (NCIMS), milk producers, milk processors and FDA.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact the agency for additional information, or to provide comment by contacting Mike Donovan, Program Manager, Food Safety and Animal Health Division, P.O. Box 42560, Olympia, WA 98504, phone (360) 902-1883, FAX (360) 902-2087, TDD (360) 902-1966.

May 1, 1996  
Candace Jacobs  
Assistant Director

**WSR 96-10-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed May 1, 1996, 11:43 a.m.]

Subject of Possible Rule Making: Electrical rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.28.060, 19.28.210(6), 19.28.350, 19.28.600.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to conform present rules to the National Electrical Code; clarify regulatory penalty and fee provisions; conform license renewal provisions to 1996 legislation; conform rules with nationally recognized apprenticeship guidelines.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington State Apprenticeship Council. There will be written contact made with the council by the Department of Labor and Industries program manager.

Process for Developing New Rule: The Department of Labor and Industries will work with the Electrical Board and any other interested parties as we amend these rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact Pete Schmidt, Department of Labor and Industries, P.O. Box 44655, Olympia, WA 98504-4655, phone (360) 902-5571, FAX (360) 902-5292.

May 1, 1996  
Michael Watson  
for Mark O. Brown  
Director

**WSR 96-10-083**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed May 1, 1996, 11:44 a.m.]

Subject of Possible Rule Making: Payment of overtime premium compensation to retail sales employees who are compensated by commission.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.46.130.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Joint Administrative Rules Review Committee has recommended that the department promulgate a rule clarifying statutory coverage of retail sales employees by the statute.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor, Wage and Hours Division enforces federal statute requiring the payment of overtime. The department will consult with United States Department of Labor through meetings and in written communication.

Process for Developing New Rule: The department will meet with all impacted stakeholder groups and accept input related to the impact of this rule making. The department will hold public hearings and give careful consideration to

both oral and written testimony in an effort to develop and adopt a balanced rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact Greg Mowat, Program Manager, Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-5310, FAX (360) 902-5300.

May 1, 1996  
Michael Watson  
for Mark O. Brown  
Director

**WSR 96-10-084**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 1, 1996, 11:45 a.m.]

**Subject of Possible Rule Making:** Provision of employer-required wearing apparel.

**Statutes Authorizing the Agency to Adopt Rules on this Subject:** RCW 49.12.091 and 49.46.020.

**Reasons Why Rules on this Subject may be Needed and What They Might Accomplish:** The Joint Administrative Rules Review Committee has recommended that the department clarify the current rule to provide for voluntary compliance.

**Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies:** The United States Department of Labor, Wage and Hours Division enforces minimum wage vis-à-vis the impact of the purchase of required apparel. We will consult with United States Department of Labor through meetings and written communication.

**Process for Developing New Rule:** The department will utilize meetings with all impacted stakeholders as it has throughout the long history of this issue. The department will conduct public hearings and receive written testimony to arrive at a balanced rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties may contact Greg Mowat, Program Manager, Employment Standards, P.O. Box 44510, Olympia, WA 98504-4510, phone (360) 902-5310, FAX (360) 902-5300.

May 1, 1996  
Michael Watson  
for Mark O. Brown  
Director

**WSR 96-10-006**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**

[Filed April 18, 1996, 1:36 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 94-22-053.

Title of Rule: Chapter 246-808 WAC, Chiropractic Quality Assurance Commission.

Purpose: To create a new chapter and to make housekeeping changes to reflect the creation of the Chiropractic Quality Assurance Commission.

Statutory Authority for Adoption: Chapter 18.25 RCW.  
 Statute Being Implemented: Chapter 18.25 RCW.

Summary: This rule is a housekeeping change to combine chapters 246-806 and 246-807 WAC into chapter 246-808 WAC, the Chiropractic Quality Assurance Commission.

Reasons Supporting Proposal: In 1994 the legislature changed chapter 18.25 RCW to combine the Chiropractic Disciplinary Board, the Board of Chiropractic Examiners and the Peer Review Committee into the Chiropractic Quality Assurance Commission. Chapter 246-806 WAC, Chiropractic, doctors of—Board of Chiropractic Examiners and chapter 246-807 WAC, Chiropractic, doctors of—Chiropractic Disciplinary Board will be repealed and chapter 246-808 WAC, Chiropractic Quality Assurance Commission created. This chapter makes the necessary housekeeping changes to reflect the creation of the Chiropractic Quality Assurance Commission.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gail Zimmerman, 1112 Quince Street, (360) 753-2461.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule changes the name of the governing board. The purpose is to combine the Board of Chiropractic Examiners, the Chiropractic Disciplinary Board, and the Peer Review Committee into the Chiropractic Quality Assurance Commission. There are no effects anticipated.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not necessary as this is housekeeping changes only. This rule will have no financial impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This rule does not subject a person to a penalty or sanction; does not establish, alter or revoke a qualification or standard for (professional) licensure; and does not make significant amendment to a policy or regulatory program. This rule will repeal chapters 246-806 and 246-807 WAC and renumber into chapter 246-808 WAC to create the Chiropractic Quality Assurance Commission.

Hearing Location: Tye Hotel, 500 Tye Drive, Tumwater, WA 98512, on July 11, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Connie Glasgow, 1-800-525-0127, by July 1, 1996, TDD (360) 664-0064.

Submit Written Comments to: Connie Glasgow, P.O. Box 47867, Olympia, WA 98504-7867, by July 1, 1996.

Date of Intended Adoption: July 11, 1996.

April 16, 1996

Gail Zimmerman  
 Executive Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 246-806-010	Definitions.
WAC 246-806-020	Colleges—Policy.
WAC 246-806-030	Accreditation of colleges—Procedure.
WAC 246-806-040	Colleges—Educational standards required for accreditation.
WAC 246-806-060	Examinations.
WAC 246-806-070	Chiropractic examination scores.
WAC 246-806-075	Adjudicative proceedings—Procedural rules for the board of chiropractic examiners.
WAC 246-806-080	Licenseses residing and practicing out-of-state—Continuing education requirements.
WAC 246-806-085	Thirty-day permit.
WAC 246-806-090	Board approved continuing education.
WAC 246-806-100	Prior approval not required.
WAC 246-806-110	License renewal—Affidavit of compliance with continuing education requirements.
WAC 246-806-120	Exemptions.
WAC 246-806-130	Lapsed and inactive licenses—Requirements for reinstating or activating a license.
WAC 246-806-140	AIDS prevention and information education requirements.
WAC 246-806-160	Temporary permits—Issuance and duration.
WAC 246-806-170	Licensure by endorsement.
WAC 246-806-180	Preceptor or direct supervisory doctor.
WAC 246-806-190	Registration of chiropractic x-ray technicians.
WAC 246-806-990	Chiropractic fees.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

WAC 246-807-020	Privileged communications.
WAC 246-807-030	Patient abandonment.
WAC 246-807-040	Consultation.
WAC 246-807-050	Unethical requests.
WAC 246-807-060	Patient welfare.
WAC 246-807-070	Patient disclosure.
WAC 246-807-080	Degree of skill.
WAC 246-807-090	Illegal practitioners.
WAC 246-807-100	Excessive professional charges.

- WAC 246-807-110 Disparaging other practitioners.
- WAC 246-807-115 Adjudicative proceedings—  
Procedural rules for the chiro-  
practic disciplinary board.
- WAC 246-807-120 Identification.
- WAC 246-807-125 License renewal form.
- WAC 246-807-130 Health food store ownership.
- WAC 246-807-135 Cooperation with investigation.
- WAC 246-807-140 Vitamins, minerals and food  
supplements.
- WAC 246-807-150 Pelvic or prostate examination  
prohibited.
- WAC 246-807-160 Intravaginal adjustment restrict-  
ed.
- WAC 246-807-171 Billing.
- WAC 246-807-173 Documentation of care.
- WAC 246-807-180 Radiographic standards.
- WAC 246-807-190 Delegation of services to auxil-  
iary staff and graduate doctors  
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- WAC 246-807-200 Acupuncture.
- WAC 246-807-210 Future care contracts prohibi-  
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- WAC 246-807-220 Ethical standards—Prohibited  
publicity and advertising.
- WAC 246-807-230 Ethical standards—Honoring of  
publicity and advertisements.
- WAC 246-807-240 Ethical standards—Prohibited  
transactions.
- WAC 246-807-250 Ethical standards—Professional  
notices, letterheads, cards, and  
mailings.
- WAC 246-807-260 Ethical standards—Suggestion  
of need of chiropractic servic-  
es.
- WAC 246-807-270 Public testimonial advertising.
- WAC 246-807-280 Full disclosure of cost of ser-  
vices.
- WAC 246-807-290 Improper billing practices.
- WAC 246-807-300 Scope of practice—Revocation  
or suspension of license autho-  
rized for practice outside scope.
- WAC 246-807-310 Clinically necessary x-rays.
- WAC 246-807-311 Sexual misconduct.
- WAC 246-807-320 Records and x-rays and with-  
drawal from practice—Mainte-  
nance and retention of patient  
records.
- WAC 246-807-330 Duties of a chiropractor who  
retires or withdraws from prac-  
tice.
- WAC 246-807-340 Mandatory reporting defini-  
tions.
- WAC 246-807-350 Mandatory reporting.
- WAC 246-807-360 Chiropractic associations or  
societies.
- WAC 246-807-370 Insurance carriers.
- WAC 246-807-380 Professional liability carriers.
- WAC 246-807-390 Courts.
- WAC 246-807-395 State and federal agencies.
- WAC 246-807-396 Professional standards review  
organizations.
- WAC 246-807-400 Peer review membership.
- WAC 246-807-410 Classification of chiropractic  
procedures and instrumentation.
- WAC 246-807-420 Peer review qualifications for  
appointment.
- WAC 246-807-430 Peer review conflict of interest.
- WAC 246-807-440 Peer review quorum.
- WAC 246-807-450 Peer review conduct of re-  
views.
- WAC 246-807-460 Mediation.
- WAC 246-807-470 Disciplinary board conflict of  
interest.
- WAC 246-807-480 Peer review fees.
- WAC 246-807-500 Philosophy governing voluntary  
substance abuse monitoring  
programs.
- WAC 246-807-510 Terms used in WAC 246-807-  
500 through 246-807-530.
- WAC 246-807-520 Approval of substance abuse  
monitoring programs.
- WAC 246-807-530 Participation in approved sub-  
stance abuse monitoring pro-  
gram.

**Chapter 246-808 WAC  
CHIROPRACTIC QUALITY ASSURANCE COM-  
MISSION**

**CHIROPRACTORS**

NEW SECTION

**WAC 246-808-001 Purpose.** The purpose of these rules is to further clarify and define chapter 18.25 RCW, Chiropractic.

NEW SECTION

**WAC 246-808-010 Definitions.** The following terms are so defined for the purposes of this chapter:

"**Acquired immunodeficiency syndrome**" or "**AIDS**" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"**Approval**" and "**accreditation**" are used interchangeably with reference to sanctioning of courses.

"**College**" means an institution whose curriculum provides education leading to the acquiring of a professional degree in chiropractic.

"**Commission**" means the chiropractic quality assurance commission, whose address is:

Department of Health  
Health Profession Quality Assurance Division  
Chiropractic Quality Assurance Commission  
1112 SE Quince Street, PO Box 47867  
Olympia, WA 98504-7867

"**Office on AIDS**" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

NEW SECTION

**WAC 246-808-015 Adjudicative proceedings—Procedural rules for the commission.** The commission adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

NEW SECTION

**WAC 246-808-020 Colleges—Policy.** (1) In determining a college's eligibility for accreditation the commission may utilize, at its discretion, recognized chiropractic accrediting associations, recognized regional accrediting associations, and appropriate professional firms, agencies and individuals.

(2) Accreditation shall be primarily contingent upon a course of study which incorporates educationally sound practices and complies with the chiropractic educational requirements for the state of Washington.

(3) A college must have successfully graduated a class prior to making application for accreditation.

NEW SECTION

**WAC 246-808-030 Accreditation of colleges—Procedure.** (1) Application and determination. A chiropractic college which desires to be accredited by the commission may secure an application form by sending a written request to the commission. The applicant shall complete the application form and submit it to the commission, along with any accompanying documents. Recent photographs of the college or the buildings in which the college is located shall be submitted with the application. Within one hundred twenty days after the receipt of the completed application, the commission shall consider the application, determine whether or not the college fulfills the requirements for accreditation, and notify the applicant, by mail, of the commission's determination. If the commission determines that the college is not approved for accreditation, the notice shall set forth the reasons for denial. The commission may withhold making a determination for a reasonable period of time for any justifiable cause upon giving notice to the applicant.

(2) Interrogatories. If the commission desires, it may request the applicant to answer specific inquiries. The granting or the denial of accreditation may be contingent upon the applicants' response to such inquiries.

(3) Oath. The answers to the inquiries in the application, and any other inquiries, shall be sworn to before a notary public.

(4) Inspection. If the commission desires, it may make the physical inspection of a particular college a condition for its being accredited. Reasonable costs for necessary on-campus visitation shall be paid by the applicant.

(5) Duration. A college which is once accredited shall continue to be accredited for so long as it fulfills the requirements set forth by the commission, or to be set forth by the commission. Upon receiving convincing evidence that a college has ceased to fulfill the requirements, the commission shall withdraw the accreditation of the college and shall inform the college of its reasons for doing so. A college shall inform the commission of changes, if any, in

status which could reasonably jeopardize the college's qualifications for accreditation. Such changes shall include, but are not limited to, changes in curriculum, administration, faculty, classrooms and equipment.

(6) Revocation of accreditation. When the commission receives evidence that an accredited institution is not complying with commission criteria, it may, after meeting with institutional representatives, place the institution on probation. The institution shall be supplied with a written statement of charges setting forth the specifics of the noncompliance. The commission and chief administrative officer of the institution may agree on a mutually acceptable timetable and procedures for correction of the deficiencies or the commission may set the timetable. Should the institution not make the corrections recommended, or should further deficiencies develop during the probation, the commission may, after meeting with institutional representatives, revoke the accreditation of the college.

(7) Reinstatement of accredited status. Once the commission has revoked the accredited status of an institution, it must reapply by submitting either a new self-study or an updated self-study as may be required by the commission. The commission's usual procedure for applicants for initial accreditation and petitions for renewal is applied to petitioners for reinstatement. The visitation team report, hearing evidence and supporting data must show not only correction of the deficiencies which led to the disaccreditation but, in addition, compliance with the commission's criteria.

(8) Appeal. An appeal of a decision adverse to the college must be filed with the commission within thirty days of receipt of the commission's written decision. To be valid the appeal must contain a certified copy of a formal action authorizing the appeal, taken by a lawfully constituted meeting of the governing body of the institution. The appeal is based on a review of self-evaluation documents, catalog, visitor's report, institution's response to visitor's report, predecision hearing of the commission and commission decision. Alleged improvements effective subsequent to the evaluation which can be verified only through another on-site visit provide the basis for another evaluation, not for an appeal. An appeal does not include a dispute on a finding of fact unless appellant presents a valid reason showing the finding is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record before the commission. The commission shall meet to consider the appeal at its earliest opportunity, and send a formal reply to the appealing college within thirty days of such meeting, unless it extends the time for good cause shown.

NEW SECTION

**WAC 246-808-040 Colleges—Educational standards required for accreditation.** (1) Objectives - the college shall have clearly defined objectives.

(2) Administration and organization - the college shall:

(a) Be incorporated as a nonprofit institution and recognized as such by its state of domicile.

(b) Have full-time administrator.

(c) Have either a president or a dean of education with a doctor of chiropractic degree.

(d) Adopt policy of nondiscrimination as to national origin, race, religion, or sex.

(3) Educational offerings - the college shall:

(a) Provide educational offerings which prepare the student for successfully completing licensing examination and engaging in practice.

(b) Offer an educational program with a minimum of four thousand in-class hours provided over a four year academic term.

(c) Have available syllabi for all courses.

(d) Offer chiropractic curriculum as follows: Principles of chiropractic - two hundred in-class hours; adjustive technique - four hundred in-class hours; spinal roentgenology - one hundred seventy-five in-class hours; symptomatology and diagnosis - four hundred twenty-five in-class hours; clinic - six hundred twenty-five in-class hours.

(e) Offer at least one hundred twenty hours for the study of "principles of chiropractic" as the study of chiropractic philosophy, which shall be defined as the commonly held tenets which provide the basis for chiropractic as a separate and distinct form of practice.

The required one hundred twenty hours of philosophy instruction shall be clearly identified in the application and subsequent college catalogue as philosophy of chiropractic by course title and description. The remaining eighty required hours may include history of chiropractic, ethics, interprofessional relationships and other subjects specifically relating to the principles and practice of chiropractic.

(f) Not include mechanotherapy, physiotherapy, acupuncture, acupressure, or dietary therapy or any other therapy in computation of the qualifying four thousand classroom hours.

(g) Maintain a clinical program sufficient to fulfill the objectives of the college.

(4) Faculty - the college shall provide sufficient faculty to support the educational program of the college.

(5) Students - the college shall:

(a) Select students on a nondiscriminatory basis.

(b) Require that students maintain a 2.00 grade average and have no chiropractic subject grade less than 2.0.

(c) Require the student to complete a four-year academic program which meets all requirements of statute and rule for licensing to practice chiropractic in Washington state.

(6) Physical facilities and equipment - the college shall:

(a) Maintain a library of size and quality sufficient to serve the educational program.

(b) Maintain a basic plant that facilitates the educational program.

(c) Maintain clinic facilities that are of sufficient size and equipped appropriately to serve the student.

(7) Financial - the college shall:

(a) Have adequate present and anticipated income to sustain a sound educational program.

(b) Have well formulated plans for financing existing and projected education programs.

(c) Have an annual audit of financial records by a CPA.

(d) Make records available for review by the commission upon request.

(8) Self-evaluation - the college shall have a program of continuing self-evaluation and such evaluation must be made available upon request by the commission.

## LICENSURE - APPLICATION AND ELIGIBILITY REQUIREMENTS

### NEW SECTION

**WAC 246-808-101 Purpose.** The purpose of WAC 246-808-101 through 246-808-190 is to establish guidelines on eligibility, and set forth the procedures for application to receive a license to practice chiropractic. By statute, the eligibility and application criterion are established in RCW 18.25.020 through 18.25.070.

### NEW SECTION

**WAC 246-808-105 Chiropractic licensure—Initial eligibility and application requirements.** To be eligible for Washington state chiropractic licensure, the applicant shall complete an application provided by the commission, and shall include written documentation to meet the eligibility criteria for such licensure.

(1) Eligibility. An applicant shall provide proof that they:

(a) Graduated from an accredited chiropractic college approved by the commission and show satisfactory evidence of completion of a resident course of study of at least four thousand classroom hours of instruction.

(b) Successfully completed National Board of Chiropractic Examiners test parts I and II.

(c) Completed not less than one-half the requirements for a baccalaureate degree at an accredited and approved college or university if the applicant matriculated after January 1, 1975. Applicants who matriculated prior to January 1, 1975, must show proof of high school graduation or its equivalent.

(2) Application procedure. Each applicant shall submit:

(a) Completed official application including two recent photos.

(b) The nonrefundable examination fee. Fees must be in U.S. funds and made payable, by check or money order, to the department of health. (Refer to WAC 246-808-990 for fee schedule.)

(c) Official transcripts from prechiropractic schools showing successful completion of at least two years of liberal arts and sciences study.

(d) An official transcript and diploma certified by the registrar, from an approved chiropractic college.

(e) An official certificate of proficiency sent directly to the commission from the National Board of Chiropractic Examiners, parts I and II.

(f) Verification of licensure status from all states where applicant has been issued a license to practice chiropractic. Verification is required whether license is active or inactive.

(g) Certification of completion of four hours of AIDS education and training as further defined by WAC 246-808-106.

### NEW SECTION

**WAC 246-808-106 AIDS prevention and information education requirements.** (1) Application for licensure. Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (3) of this section.

(2) AIDS education and training.

(a) Acceptable education and training. The commission shall accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of four clock hours and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations. Education may be obtained by formal lecture, video program or home study programs.

(b) Implementation. The requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting compliance and description of the education;

(iii) Be prepared to validate, through submission of these records, that the required education has been obtained.

#### NEW SECTION

**WAC 246-808-115 Examinations.** (1) In order to be eligible to take the commission administered examination, all applicants shall satisfactorily pass the National Board of Chiropractic Examiners test parts I and II which covers the subjects set forth in RCW 18.25.030.

(2) The commission's written examination includes the law relating to chiropractic.

(3) The commission's practical examination contains the following sections:

(a) Practical x-ray;

(b) Practical technique.

#### NEW SECTION

**WAC 246-808-120 Chiropractic examination scores.** Applicants who do not pass the entire examination in two consecutive sittings must retake the entire examination and may be required to demonstrate evidence of completion of a commission-approved remedial program or refresher chiropractic course in the subject(s) failed. An applicant must pass all sections within six sittings. After six failures the applicant must petition the commission for permission to take any further examination. The commission shall have complete discretion regarding such petition and the conditions under which further examination permission may be granted.

#### NEW SECTION

**WAC 246-808-130 Temporary permits—Issuance and duration.** (1) An applicant may request a temporary practice permit by submitting to the commission:

(a) A completed application on forms provided by the department with the request for a temporary practice permit indicated;

(b) An application fee and a temporary practice permit fee as specified in WAC 246-808-990; and

(c) Written verification directly from all states in which the applicant has a license, attesting that the applicant has a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment.

(2) The commission shall issue a one-time-only temporary practice permit unless the commission determines a basis for denial of the license or issuance of a conditional license.

(3) The temporary permit shall expire immediately upon:

(a) The issuance of a license by the commission;

(b) Initiation of an investigation of the applicant by the commission;

(c) Failure to pass the examinations given by the commission; or

(d) Three months, whichever occurs first.

An applicant who has failed the examination must apply for and take the next examination for which they are eligible.

#### NEW SECTION

**WAC 246-808-135 Licensure by endorsement.** An applicant may apply for licensure by endorsement by submitting to the commission:

(1) A completed application on forms provided by the department;

(2) A fee as specified in WAC 246-808-990; and

(3) Evidence, satisfactory to the commission:

(a) Of a license to practice chiropractic in another jurisdiction including, but not limited to, another state, a territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province in Canada;

(b) Of credentials and qualifications which are equivalent to the requirements of the state of Washington for licensure by examination at the time of application under this section;

(c) That the jurisdiction in which the applicant is licensed grants similar recognition to licensees in the state of Washington;

(d) That the applicant has been engaged in the full-time practice of chiropractic, or has taught general clinical chiropractic subjects at an accredited school of chiropractic, as set forth in WAC 246-808-040, in a jurisdiction described in subsection (3)(a) of this section for at least three of the five years immediately preceding application under this section;

(e) That the applicant has not been convicted of a crime, if such crime would be grounds for the refusal, suspension, or revocation of a license to practice chiropractic in this state if committed in the state of Washington;

(f) That the applicant's license to practice chiropractic is not, at the time of application under this section, suspended or revoked in any jurisdiction, based on grounds which would be grounds for the refusal, suspension or revocation of a license to practice chiropractic in this state; and

(g) Of passing a jurisprudence and adjustive technique examination administered by the Washington commission of chiropractic examiners.

#### NEW SECTION

**WAC 246-808-140 Thirty-day permit.** A chiropractor practicing under authority of RCW 18.25.190(1) shall register with the commission by:

- (1) Notifying the commission of the nature and dates of their practice in the state of Washington;
- (2) Submitting a copy of their current, valid license in the other jurisdiction in which they are licensed; and
- (3) Submitting a declaration, on forms provided by the commission, attesting to the possession of a current, valid license and not having had a license to practice chiropractic suspended, revoked, or conditioned in any jurisdiction in the preceding five years. No fee shall be charged to register under this section.

#### NEW SECTION

**WAC 246-808-150 Commission approved continuing education.** (1) Licensed chiropractors shall be responsible for obtaining twenty-five hours of commission approved continuing education each year with proof (transcripts, certificates) to be submitted with annual renewal of their license.

(2) The commission approves the following subject material for continuing chiropractic education credit:

- (a) Diagnosis and treatment of the spine or immediate articulations within the scope of practice;
  - (b) X-ray/diagnostic imaging;
  - (c) Adjustive technique;
  - (d) Detection of a subluxation;
  - (e) Physical examination;
  - (f) Hygiene;
  - (g) Symptomatology;
  - (h) Neurology;
  - (i) Spinal pathology;
  - (j) Spinal orthopedics;
  - (k) Patient/case management;
  - (l) Impairment within the scope of practice;
  - (m) CPR - once every three years;
  - (n) Dietary advice; and
  - (o) Chiropractic philosophy.
- (3) Subject matter not approved for continuing education credit:

- (a) Business management;
- (b) Subject matter not directly relating to the chiropractic clinical scope of practice;
- (c) Practice building; and
- (d) Conduct prohibited by Washington state statutes or rules governing chiropractic practice.

(4) A formal video continuing education program that meets the requirements of this section is acceptable provided that the video viewing is accompanied by a moderator and/or a panel knowledgeable in the video contents to comment thereon and answer questions or conduct discussions.

(5) The individual or organization responsible for a continuing education presentation must provide documentation of attendance to the participants.

(6) Credit for hours of continuing education in a commission approved continuing education program can be counted only once per year toward the annual continuing education requirement regardless of the number of times that program is attended. Licensed chiropractors serving as teachers or lecturers in commission approved continuing education programs receive credit on the same basis as the doctors attending the program.

#### NEW SECTION

**WAC 246-808-155 Prior approval not required.** (1) It shall be unnecessary for a chiropractor to inquire into the prior approval of any continuing chiropractic education. The commission shall accept any continuing chiropractic education that falls within these regulations and relies upon each individual chiropractor's integrity in complying with this requirement.

(2) Continuing chiropractic education program sponsors need not apply for, nor expect to receive, prior commission approval for a formal continuing chiropractic education program. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The commission relies upon the integrity of program sponsors to present continuing chiropractic education that constitutes a meritorious learning experience and complies with RCW 18.25.070.

(3) The commission shall conduct a random compliance audit of renewal applicants. If the commission determines that the applicant has not obtained continuing chiropractic education that falls within the subject matter defined in WAC 246-808-150 and the guidelines for symposium approval in WAC 246-808-150, then the application for renewal shall be denied.

#### NEW SECTION

**WAC 246-808-160 License renewal—Affidavit of compliance with continuing education requirements.** (1) In conjunction with their annual application for renewal of license, a licensee shall submit, on a form provided by the commission, an affidavit of compliance with the continuing education requirement of RCW 18.25.070.

(2) In addition to the affidavit of compliance, the licensee shall submit other evidence and documentation to substantiate the affidavit of compliance as the commission may request in any individual case and which shall include a certificate of attendance and a brochure or syllabus for each course attended. It shall be the responsibility of the licensee to maintain and provide such evidence and/or documentation on request of the commission.

(3) The commission shall conduct a random compliance audit of renewal applicants. If the commission determines that the applicant has not obtained continuing chiropractic education that falls within the subject matter defined in WAC 246-808-150 then the application for renewal shall be subject to denial.

NEW SECTION

**WAC 246-808-165 Exemptions.** In the event a licensee fails to meet requirements because of illness or retirement (with no further provision of chiropractic services to consumers) or failure to renew, or other extenuating circumstances, each case shall be considered by the commission on an individual basis. When circumstances justify it, the commission may grant a time extension. In the case of permanent retirement or illness, the commission may grant indefinite waiver of continuing chiropractic education as a requirement for relicensure, provided an affidavit is received indicating the chiropractor is not providing chiropractic services to consumers. If such permanent illness or retirement status is changed or consumer chiropractic services resumed, it is incumbent upon the licensed chiropractor to immediately notify the commission and meet continuing chiropractor education requirements for relicensure. Continuing chiropractic education hours shall be prorated for the portion of that three-year period involving resumption of such services.

NEW SECTION

**WAC 246-808-170 Licensees residing and practicing out-of-state—Continuing education requirements.** Pursuant to RCW 18.25.070 (1)(c), Washington licensed chiropractors who reside and practice exclusively outside the state of Washington may satisfy the continuing education requirements for renewal of their Washington licenses by meeting, and certifying to the commission that they have met, the continuing education requirements of the state in which they are residing and practicing.

NEW SECTION

**WAC 246-808-180 Lapsed and inactive licenses—Requirements for reinstating or activating a license.** (1) A licensee who allows their chiropractic license to lapse for more than three years must pay all back renewal fees plus penalty fee and submit proof of continuing education courses during the time the license was lapsed. If the licensee cannot submit proof of continuing education courses during the time the license was lapsed, reexamination of the former licensee as provided in RCW 18.25.040 and 18.25.070(2) shall be required.

(2) A licensee who has placed their chiropractic license on inactive status and now requests to activate the license shall submit to the commission, in writing, a request to activate their license from inactive status. A licensee whose license has been inactive for more than three years may be reexamined as provided for in RCW 18.25.040 at the commission's discretion. The request to activate a license must include the following:

- (a) An applicable fee, per WAC 246-808-990;
- (b) Updated chronology from date license was placed into inactive status;
- (c) Proof of four hours of AIDS education as defined in WAC 246-808-106;
- (d) Documentation of any continuing education courses taken during the time their license was inactive.

NEW SECTION

**WAC 246-808-185 License renewal form.** A license shall not be renewed until the applicant has submitted completed renewal forms and the full amount of the renewal fee, including any penalty fee for late renewal of the license.

NEW SECTION

**WAC 246-808-190 Preceptor or direct supervisory doctor.** A preceptor is a doctor of chiropractic who is approved by the commission to provide direct supervision to an unlicensed chiropractic doctor as set forth in RCW 18.25.190. The commission shall maintain a list of approved preceptors.

- (1) An approved preceptor shall:
  - (a) Provide direct supervision and control;
  - (b) Be on the premises any time the unlicensed chiropractic doctor treats patients in accordance with WAC 246-808-535; and
  - (c) Meet with the patient prior to commencement of chiropractic care.
- (2) To apply for commission approval to function as a preceptor, a doctor of chiropractic shall submit to the commission:
  - (a) Proof of licensure as a Washington chiropractic doctor for the preceding five years, during which time the license has not been suspended, revoked, or conditioned;
  - (b) A completed official application;
  - (c) Verification of approval to participate in the program by an approved chiropractic college;
  - (d) Evidence of malpractice insurance for the unlicensed chiropractic doctor and the preceptor applicant; and
  - (e) A fee as specified in WAC 246-808-990.

**REGISTRATION OF CHIROPRACTIC X-RAY TECHNICIANS**NEW SECTION

**WAC 246-808-201 Purpose.** The purpose of WAC 246-808-201 through 246-808-215 is to establish eligibility criterion for registration of chiropractic x-ray technicians as allowed under RCW 18.25.180.

NEW SECTION

**WAC 246-808-215 Registration of chiropractic x-ray technicians.** (1) Chiropractic doctors shall employ only commission registered technicians to operate x-ray equipment.

(2) Application. An x-ray technician may apply for registration by submitting to the commission:

(a) Proof of satisfactory completion of a course of classroom instruction of at least forty-eight hours which has been approved by the commission in accordance with subsection (4) of this section; and

(b) Verification of passing a proficiency examination in radiologic technology, which is approved by the commission. A passing grade shall be seventy-five percent or a standardized score approved by the commission. If the applicant fails the initial examination, the applicant may reapply to take the examination one additional time without additional classroom instruction. If the applicant fails a second

examination, the applicant shall complete an additional sixteen hours of classroom instruction prior to reapplying for a third examination.

(3) **Exceptions.** An applicant who holds a current active registration, license, or certification from a national certifying agency or other governmental licensing agency whose standards for registration, licensure or certification are equal to or exceed the standards under these rules may register without examination.

(4) **Course approval.** An individual may request commission approval of a course of classroom instruction for x-ray technicians by submitting the following information to the commission no later than ninety days prior to the first day of instruction:

(a) An outline of the course of instruction, which shall include:

- (i) Physics and equipment;
- (ii) Principles of radiographic exposure;
- (iii) Radiation protection;
- (iv) Anatomy and physiology; and
- (v) Radiographic positioning and procedures.

(b) Proficiency examination;

(c) Verification that the course instructor has on-campus or postgraduate faculty status in the field of radiology with a commission approved chiropractic college; and

(d) Any other information deemed necessary by the commission to make a determination.

(5) **Continuing education.** A registered chiropractic x-ray technician shall submit an affidavit certifying the completion of six hours of continuing education over the preceding year when applying for annual renewal.

(a) The commission approves continuing education of subject matter listed in subsection (4) of this section. Prior approval of continuing education programs is not required by the commission.

(b) The commission shall conduct random audits. If the commission determines that the applicant has not obtained continuing education that falls within the subject matter defined in subsection (4), the commission shall deny renewal of the registration.

## STANDARDS OF CARE

### NEW SECTION

**WAC 246-808-301 Purpose.** The purpose of WAC 246-808-301 through 246-808-720 is to provide standards of care to guide the practitioner of chiropractic in the conduct of their practice.

### NEW SECTION

**WAC 246-808-320 Privileged communications.** A chiropractor shall not, without the consent of the patient, reveal any information acquired in attending such patient, which was necessary to enable the chiropractor to treat the patient. This shall not apply to the release of information in an official proceeding where the release of information may be compelled by law.

### NEW SECTION

**WAC 246-808-330 Patient abandonment.** The chiropractor shall always be free to accept or reject a particular patient, bearing in mind that whenever possible a chiropractor shall respond to any reasonable request for his/her services in the interest of public health and welfare.

### NEW SECTION

**WAC 246-808-340 Consultation.** In difficult or protracted cases consultations are advisable, and the chiropractor shall be ready to act upon any desire the patient may express for a consultation, even though the chiropractor may not personally feel the need for it.

### NEW SECTION

**WAC 246-808-350 Unethical requests.** A chiropractor shall not assist in any immoral practice such as aiding in the pretense of disability in order to avoid jury or military duty, or the concealment of physical disability in order to secure favorable insurance.

### NEW SECTION

**WAC 246-808-360 Patient welfare.** The health and welfare of the patient shall always be paramount, and expectation of remuneration or lack thereof shall not in any way affect the quality of service rendered the indigent patient.

### NEW SECTION

**WAC 246-808-370 Patient disclosure.** Absolute honesty shall characterize all transactions with patients. The chiropractor shall neither intentionally exaggerate nor minimize the gravity of the patient's condition, nor offer any false hope or prognosis.

### NEW SECTION

**WAC 246-808-380 Degree of skill.** The chiropractor owes their patient(s) the highest degree of skill and care of which they are capable. To this end the chiropractor shall endeavor to keep abreast of new developments in chiropractic and shall constantly endeavor to improve their knowledge and skill in the science and art or philosophy of chiropractic, as defined in chapter 18.25 RCW.

### NEW SECTION

**WAC 246-808-390 Illegal practitioners.** Chiropractors shall safeguard their profession by exposing those who might attempt to practice without proper credentials, and by reporting violations of the laws regulating chiropractic to the proper authorities.

### NEW SECTION

**WAC 246-808-400 Excessive professional charges.**  
(1) A chiropractor shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee.

(2) A fee is clearly excessive when, after a review of the facts, a chiropractor would be left with a definite and

firm conviction that the fee is in excess of a reasonable fee. Factors to be considered as guides in determining the reasonableness of a fee include the following:

- (a) The time, effort and skill required requisite to perform the chiropractic service properly;
- (b) The fee customarily charged in the locality for similar chiropractic services;
- (c) The experience, reputation, and ability of the chiropractor performing the services.

(3) A chiropractor shall not prescribe nor perform any services which are not reasonably necessary in consideration of the patient's condition and shall furnish an explanation of charges for chiropractic services upon request of the commission.

#### NEW SECTION

**WAC 246-808-410 Disparaging other practitioners.** No chiropractor shall falsely malign another practitioner or a practitioner's method of practice.

#### NEW SECTION

**WAC 246-808-505 Classification of chiropractic procedures and instrumentation.** (1) Procedures, instruments for treatment and/or diagnostic evaluation used by a doctor of chiropractic shall be classified by the commission as follows:

(a) **"Approved"**: A procedure or instrument which is taught by a commission approved chiropractic college for patient clinical application and not for research or experimental purposes and is allowable by statute. All factors listed under subsection (4) of this section shall be considered before a procedure or instrument is placed in the approved classification.

(b) **"Nonapproved or experimental"**: Any procedure or instrument that does not meet with commission approval. A procedure or instrument in this classification shall pass further testing in the laboratory before it can be used on the public. These may be defined by previous declaratory rules or rules and regulations.

(c) **"Research or investigational"**: A procedure or instrumentation that is not approved, but may have a positive benefit in the diagnosis or care of a patient's condition. No billing is allowed for procedures or instruments used under this classification.

(2) The commission shall maintain a classified list of chiropractic procedures and instrumentation. The list shall be made available upon request.

(3) A doctor who intends to use a new procedure or instrument in practice shall notify the commission to determine the classification of the procedure or instrument. If the procedure or instrument is not classified or if new information on a previously classified procedure or instrument is available the doctor shall:

(a) Provide the commission with supporting documentation concerning the use of such a procedure or instrumentation;

(b) Demonstrate sufficient additional training or study for the doctor and utilizing staff to properly use the procedure or instrumentation.

(4) The commission may use the following factors to determine the classification of the procedure or instrumentation, and shall notify the doctor of such classification:

(a) The new procedure or instrument is taught at an approved chiropractic college.

(b) There is a scientific basis for the new procedure or instrument.

(c) The procedure or instrument has a direct and positive relationship to chiropractic care.

(d) Comparison of potential risk to benefit to the patient.

(e) Any other factors the commission may wish to consider.

#### NEW SECTION

**WAC 246-808-510 Definitions.** "Auxiliary services" means those services, excluding those practices which are restricted to licensed chiropractors, which may be needed for the support of chiropractic care.

"Auxiliary staff" means personnel, except graduate doctors of chiropractic, who are working for or at the direction of a licensed doctor of chiropractic.

"Chiropractor" means a person licensed pursuant to chapter 18.25 RCW.

"Direct supervision" means having a licensed chiropractor on the premises and immediately available.

"Graduate doctor of chiropractic" means a graduate of an approved chiropractic college who has applied for a Washington state chiropractic license. Graduate doctors of chiropractic who have failed to pass the Washington state chiropractic examination within one year of applying for a Washington state chiropractic license may only perform auxiliary services. Graduate doctors who have had their chiropractic license suspended or revoked shall not be authorized to perform any auxiliary services.

"Mentally or physically disabled chiropractor" means a chiropractor who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice chiropractic with reasonable skill and safety to patients by reason of any mental or physical condition.

"Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180 and 18.25.112.

#### NEW SECTION

**WAC 246-808-520 Identification.** (1) A chiropractor must clearly identify oneself as a chiropractor on his/her office signs.

(2) All identification of chiropractic practice shall be presented in a dignified manner and shall not be sensational or misleading.

#### NEW SECTION

**WAC 246-808-525 Health food store ownership.** (1) A chiropractor may own an interest in a retail outlet for the sale of health foods only on the following conditions:

(a) The chiropractor's office(s) or premises are so physically separated from the office(s) or premises of the health food store that patients have a free and untrammelled access and exit to and from the chiropractor's office(s) or premises;

(b) The chiropractor refrains from directly or indirectly or by inference referring, directing, suggesting or inviting a patient to purchase any dietary substance recommended for the normal regimen and rehabilitation of the patient (including vitamins, minerals and food supplements), from any health food store in which the chiropractor owns an interest.

(2) Any chiropractor who fails to abide by the conditions set forth above shall be subject to charges of unprofessional conduct for the illegal referral of patients within the meaning of RCW 19.68.030 which prohibits the receipt of compensation for such a referral by licensed chiropractors.

#### NEW SECTION

**WAC 246-808-530 Vitamins, minerals and food supplements.** (1) No chiropractor shall sell or dispense or permit to be sold or dispensed any vitamins, minerals or food supplements.

(2) Dietary advice may include the recommendation of vitamins, minerals and food supplements as long as they are recommended for the normal regimen of the patient and not for treatment of a specific disease.

(3) The chiropractor shall not receive any direct or indirect profit from the sale of vitamins, minerals and food supplements as provided in chapter 19.68 RCW.

#### NEW SECTION

**WAC 246-808-535 Delegation of services to auxiliary staff and graduate doctors of chiropractic.** (1) A licensed chiropractor may, within the confines of this section, delegate certain services to auxiliary staff and graduate doctors of chiropractic, provided that these services are performed under the licensed chiropractor's direct supervision. The supervising chiropractor shall be responsible for determining that auxiliary staff and graduate doctors of chiropractic are competent to perform the delegated services. The licensed supervising chiropractor must render adequate supervision so that the patient's health and safety is not at risk.

(2) Auxiliary staff and graduate doctors of chiropractic shall not perform the following services:

- (a) Detection of subluxation;
- (b) Adjustment or manipulation of the articulations of the spinal column or its immediate articulations;
- (c) Interpretation or analysis of radiographs;
- (d) Determining the necessity for chiropractic care;
- (e) Orthopedic or neurological examinations provided, graduate doctors of chiropractic may perform preliminary orthopedic or neurological examinations under the direct supervision of a licensed chiropractor.

(3) Auxiliary staff and graduate doctors of chiropractic may perform the following auxiliary services: Preliminary patient history, height, weight, temperature, blood pressure, pulse rate, and gross postural observation (active spinal range of motion utilizing a generally accepted measuring device).

#### NEW SECTION

**WAC 246-808-540 Billing.** A doctor of chiropractic may bill for all provided services that are allowable under chapter 18.25 RCW and the rules adopted pursuant to the foregoing statute. The doctor shall utilize codes and/or descriptions of services that accurately describe the professional services rendered.

#### NEW SECTION

**WAC 246-808-545 Improper billing practices.** The following acts shall constitute grounds for which disciplinary action may be taken:

(1) Rebating or offering to rebate to an insured any payment to the licensee by the third-party payor of the insured for services or treatments rendered under the insured's policy.

(2) Submitting to any third-party payor a claim for a service or treatment at a greater or an inflated fee or charge than the usual fee the licensee charges for that service or treatment when rendered without third-party reimbursement.

#### NEW SECTION

**WAC 246-808-550 Future care contracts prohibited.** It shall be considered unprofessional conduct for any chiropractor to enter into a contract which would obligate a patient to pay for care to be rendered in the future, unless the contract provides that the patient is entitled to a complete refund for any care not received.

#### NEW SECTION

**WAC 246-808-560 Documentation of care.** (1) The recordkeeping procedures of a chiropractor shall be adequate to provide documentation of the necessity and rationale for examination, diagnostic/analytical procedures, and chiropractic services. The required documentation shall include, but not necessarily be limited to, the patient's history and/or subjective complaints; examination findings and/or objective findings; and a record of all chiropractic services performed.

(2) Chiropractic examinations shall be documented by specifying subjective complaints, objective findings, an assessment or appraisal of the patient's condition and the plan for care. Daily chart notes may be brief notations recorded in the patient's chart file between examinations. These notations shall indicate any changes in the care or progress of the patient and the chiropractic, diagnostic, or analytical services performed or ordered. Detailed entries need not be documented on every visit as long as examinations are performed at reasonable intervals and those examinations are documented as specified in this section.

(3) If a code is utilized by the doctor in connection with recordkeeping, a code legend shall be included in the records.

#### NEW SECTION

**WAC 246-808-565 Radiographic standards.** The following requirements for chiropractic x-ray have been established because of concerns about over-radiation and unnecessary x-ray exposure.

- (1) The following shall appear on the films:

- (a) Patient's name and age;
  - (b) Doctor's name, facility name, and address;
  - (c) Date of study;
  - (d) Left or right marker;
  - (e) Other markers as indicated;
  - (f) Adequate collimation;
  - (g) Gonad shielding, where applicable.
- (2) Minimum of A/P and lateral views are necessary for any regional study unless clinically justified.
- (3) As clinical evidence indicates, it may be advisable to produce multiple projections where there is an indication of possible fracture, significant pathology, congenital defects, or when an individual study is insufficient to make a comprehensive diagnosis/analysis.
- (4) Each film shall be of adequate density, contrast, and definition, and no artifacts shall be present.
- (5) The subjective complaints, if any, and the objective findings substantiating the repeat radiographic study must be documented in the patient record.
- (6) These rules are intended to complement and not supersede those rules adopted by the radiation control agency set forth in chapter 246-225 WAC, Radiation protection—X-rays in the healing arts.

#### NEW SECTION

**WAC 246-808-570 Pelvic or prostate examination prohibited.** The physical examination to determine the necessity for chiropractic care does not include vaginal (pelvic) examination or prostate examination. Chiropractors are prohibited from performing such examination and from directing any agent or employee to perform such examination.

#### NEW SECTION

**WAC 246-808-575 Intravaginal adjustment restricted.** It shall be considered unprofessional conduct for a chiropractor to perform an adjustment of the coccyx through the vagina unless the following conditions are met:

- (1) The coccyx cannot be adjusted rectally or the patient is offered and declines the option of the rectal technique;
- (2) The coccyx adjustment is performed with the use of a disposable finger cot or rubber glove; and
- (3) A female attendant is present at all times the patient is examined and the coccyx adjustment is being performed.

#### NEW SECTION

**WAC 246-808-580 Acupuncture.** No chiropractor shall:

- (1) Employ the use of needles in the treatment of a patient; or
- (2) Hold himself or herself out as practicing acupuncture in any form: This prohibition shall not restrict a chiropractor who is also a certified acupuncturist pursuant to chapter 18.06 RCW from practicing acupuncture, provided that the chiropractor differentiates chiropractic care from acupuncture care at all times as is required by RCW 18.25.112.

#### NEW SECTION

**WAC 246-808-585 Clinically necessary x-rays.** All offers of free x-rays shall be accompanied by a disclosure statement that x-rays shall only be taken if clinically necessary in order to avoid unnecessary radiation exposure.

#### NEW SECTION

**WAC 246-808-590 Sexual misconduct.** (1) The chiropractor shall never engage in sexual contact or sexual activity with current clients.

(2) The chiropractor shall never engage in sexual contact or sexual activity with former clients if such contact or activity involves the abuse of the chiropractor-client relationship. Factors which the commission may consider in evaluating if the chiropractor-client relationship has been abusive include, but are 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 chiropractor during the course of treatment suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the former client.

(3) The chiropractor shall never engage in sexually harassing or demeaning behavior with current or former clients.

#### NEW SECTION

**WAC 246-808-600 Prohibited publicity and advertising.** (1) A chiropractor shall not, on behalf of himself/herself, his/her partner, associate or any other chiropractor affiliated with his/her office or clinic, use or allow to be used, any form of public communications or advertising which is false, fraudulent, deceptive or misleading, including, but not limited to, such advertising which takes any of the following forms which are prohibited:

- (a) Advertising which guarantees any result or cure;
- (b) Advertising which makes claims of professional superiority;
- (c) Advertising which fails to differentiate chiropractic care from all other methods of healing;
- (d) Advertising for a service outside the practice of chiropractic as permitted in Washington.

(2) A chiropractor shall, upon request made by the commission, provide the commission with substantiation of the truth and accuracy of any and all claims made in their advertisements.

(3) Advertising is prohibited which offers gratuitous goods or services or discounts in connection with chiropractic services, unless the chiropractor provides a disclosure statement to be signed by the patient which explains:

- (a) When there shall be a charge for goods and services;
- (b) When the free services have been completed and that any additional services the patient requests are subject to charge; or

(c) When the discount has been exhausted and any additional services shall be subject to full charge: This subsection shall not be construed to relate to the negotiation of fee between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged.

#### NEW SECTION

**WAC 246-808-605 Honoring of publicity and advertisements.** (1) If a chiropractor advertises a fee for a service, the chiropractor must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a chiropractor publishes any fee information authorized under chapter 246-808 WAC, the chiropractor shall be bound by any representation made therein for the periods specified in the following categories:

(a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.

(b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.

(c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

#### NEW SECTION

**WAC 246-808-610 Prohibited transactions.** A chiropractor shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual chiropractor in a news item.

#### NEW SECTION

**WAC 246-808-615 Professional notices, letterheads, cards, and mailings.** In his/her use of professional notices, letterheads, cards, and mailings, a chiropractor is subject to the same regulations of chapter 246-808 WAC which apply to his/her use of other print media.

#### NEW SECTION

**WAC 246-808-620 Suggestion of need of chiropractic services.** A chiropractor who has given in-person, unsolicited advice to a lay person that he/she should obtain chiropractic care shall not accept employment resulting from that advice except that:

(1) A chiropractor may accept employment by a close friend, relative, former patient (if the advice is germane to the former treatment), or one whom the chiropractor reasonably believes to be a patient; and

(2) Without affecting his/her right to accept employment, a chiropractor may speak publicly or write for publication on chiropractic topics so long as he/she does not emphasize his/her own professional experience or reputation and does not undertake to give individual advice.

#### NEW SECTION

**WAC 246-808-625 Public testimonial advertising.** (1) Public testimonial advertising includes the use of a statement testifying as to a chiropractor's qualifications, abilities and character, or to the value of chiropractic services.

(2) The use of testimonial advertising shall not be considered false or misleading if the following guidelines are met:

(a) Testimonials must relate to patient care provided within the immediately preceding five-year period.

(b) The testimonial shall be documented by a notarized statement of the patient, a copy of which is kept by both the chiropractor and the patient.

(c) The testimonial must be consistent with the history of the patient's care, including office records, examination reports and x-rays.

(d) Testimonials shall not:

(i) Be exaggerated or misrepresented;

(ii) State that a technique or doctor is superior;

(iii) Claim specific cures;

(iv) Compare one chiropractor to another;

(v) Include a named diagnosis.

#### NEW SECTION

**WAC 246-808-630 Full disclosure of cost of services.** (1) This rule shall apply to all representations made in public advertising regarding the provision of chiropractic services, including x-rays or chiropractic examinations, on a free basis or at a reduced cost. This rule shall also apply to all billings or other written or oral communications regarding charges for chiropractic services whether made to patients, third-party health care payors, or to any other person, firm, or governmental agency.

(2) When a chiropractic service is represented in public advertising as available without cost, or at a reduced cost, that service must be made available to everyone who wishes to take advantage of the offer on an equal basis. No charge may be made to any individual or third-party health care payor for any services which have been provided on a free basis.

(3) All billings to third-party payors for patients who are also being treated for an unrelated condition must fully disclose the additional treatment being provided and the charges for that treatment.

(4) Billings to patients or to third-party health care payors shall accurately reflect the actual charge to the patient, including any discounts, reduced fees, or waiver of copayment.

(5) Because of the potential element of fraud being present, advertising full or partial forgiveness of coinsurance shall be prohibited unless the insurance company is given accurate and complete information relating to the actual charge to the patient and that coinsurance has been fully or partially waived.

NEW SECTION

**WAC 246-808-640 Scope of practice—Revocation or suspension of license authorized for practice outside scope.** (1) The chiropractic quality assurance commission finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.25.002(4). The commission further finds and deems it necessary to carry out the provisions of chapter 18.25 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary commission of RCW 18.25.112, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic." The commission finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

- (a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.
- (b) The use of any form of electrocardiogram.
- (c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "reams" testing).
- (d) Hair analysis.
- (e) The use of iridology.
- (f) The taking of blood samples.
- (g) Female breast examinations.

The above list is not to be considered exhaustive or to limit the commission in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(3) The commission finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

- (a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.
- (b) Electrotherapy.
- (c) The use of a transcutaneous electrical nerve stimulator (TENS).
- (d) The use of the endonasal technique.
- (e) The use of any type of casting other than light body casting.
- (f) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names unless complementary or preparatory to a chiropractic spinal adjustment.
- (g) The use of hypnosis.
- (h) The use of clinical herbology.

The above list is not to be considered exhaustive or to limit the commission in any way from finding under the

statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(4) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (2) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (3) of this section shall constitute unprofessional conduct under RCW 18.130.-180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

NEW SECTION

**WAC 246-808-650 Records and x-rays and withdrawal from practice—Maintenance and retention of patient records.** (1) Any chiropractor who treats patients in the state of Washington shall maintain all treatment records regarding patients treated. These records may include, but shall not be limited to, x-rays, treatment plans, patient charts, patient histories, correspondence, financial data, and billing.

These records shall be retained by the chiropractor for five years in an orderly, accessible file and shall be readily available for inspection by the commission or its authorized representative: X-rays or copies of records may be forwarded pursuant to a licensed agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

(2) A chiropractor shall honor within fifteen days a written request from an adult patient or their legal representative or the legal representative of a minor child to release:

(a) Original x-rays and records to other licensed health care providers; or

(b) The chiropractor may provide duplicate films or a copy of the patient records to the health care provider or the patient. The health care provider may bill the patient reasonable duplication costs. Once the original films have been loaned at patient request, the chiropractor is no longer responsible for them, or for their retrieval or subsequent production.

A chiropractor who has received original x-rays on a loan basis shall return them to the loaning chiropractor upon request within sixty days unless other arrangements are made.

NEW SECTION

**WAC 246-808-655 Duties of a chiropractor who retires or withdraws from practice.** Any chiropractor who ceases practice in their community for any reason, including retirement, illness, disability, or relocation shall comply with the following duties:

(1) The chiropractor shall notify all current patients that they shall not be able to provide chiropractic services and shall notify the patient to seek another chiropractor to continue their care.

(2) The chiropractor shall offer to deliver to the patient, or to another chiropractor or licensed health care professional

chosen by the patient, the originals or copies of all patient examination and treatment records and x-rays or notify the patient of a community area location where the records and x-rays shall be maintained and accessible for at least one year after the notice is sent to the patient.

(3) The chiropractor shall refund any part of fees paid in advance that have not been earned.

(4) The commission requests that the executor or executrix of a deceased chiropractor comply with the duties set forth herein to the fullest extent possible. The commission staff shall provide advice and assistance to such executor or executrix upon request.

(5) For the purpose of this section, any relocation or restriction of practice which substantially interferes with a patient's reasonable access to their chiropractor shall be cause for the chiropractor to comply with the duties set forth.

(6) Willful failure to comply with this section shall be cause to suspend a chiropractor's license until the required duties are fulfilled.

#### NEW SECTION

**WAC 246-808-660 Mandatory reporting.** (1) All reports required by these regulations shall be submitted to the commission as soon as possible, but no later than sixty days after a determination is made.

(2) A report shall contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone number of the chiropractor being reported.

(c) The name of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

#### NEW SECTION

**WAC 246-808-670 Chiropractic associations or societies.** The president or chief executive officer of any chiropractic association or society within this state shall report to the commission when an association or society determines that a chiropractor has committed unprofessional conduct or that a chiropractor may not be able to practice chiropractic with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

#### NEW SECTION

**WAC 246-808-680 Insurance carriers.** The executive officer of every insurer, licensed under Title 48 RCW operating in the state of Washington, shall report to the commission any evidence that a chiropractor has charged fees for chiropractic services not actually provided, or has otherwise committed unprofessional conduct.

#### NEW SECTION

**WAC 246-808-685 Professional liability carriers.** Every institution or organization providing professional liability insurance directly or indirectly to chiropractors shall send the commission a complete report of any malpractice settlement, award or payment over thirty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured chiropractor's incompetence or negligence in the practice of chiropractic. Such institution or organization shall also report the payment of three or more claims during a year as the result of alleged incompetence or negligence in the practice of chiropractic regardless of the dollar amount of the payment.

#### NEW SECTION

**WAC 246-808-690 Courts.** The commission requests the assistance of all clerks of trial courts within the state to report to the commission, all professional malpractice judgments and all criminal convictions of licensed chiropractors, other than for minor traffic violations.

#### NEW SECTION

**WAC 246-808-695 State and federal agencies.** The commission requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a chiropractor has been judged to have demonstrated incompetence or negligence in the practice of chiropractic, or has otherwise committed unprofessional conduct; or whose practice is impaired as a result of a mental, physical or chemical condition, to report to the commission all professional malpractice judgments and decisions.

#### NEW SECTION

**WAC 246-808-700 Cooperation with investigation.** (1) A chiropractor shall comply with a request for records, documents or explanation from an investigator who is acting on behalf of the commission, by submitting the requested items within fourteen calendar days of receipt of the request by the chiropractor or the chiropractor's attorney, whichever is first.

(2) If the chiropractor fails to comply with the request within fourteen calendar days, the investigator shall contact the chiropractor or the chiropractor's attorney by telephone or letter as a reminder.

(3) Investigators may extend the time for response if the chiropractor requests an extension for a period not to exceed seven calendar days.

(4) If the chiropractor fails to comply with the request within three business days after the receipt of the reminder,

then a subpoena shall be served upon the chiropractor to obtain the requested items.

(5) If the chiropractor fails to comply with the subpoena, a statement of charges shall be issued pursuant to RCW 18.130.180(8) and, if there is sufficient evidence to support additional charges, then those charges may be included in the statement of charges.

(6) If the chiropractor complies with the request after the issuance of the statement of charges, the commission's assistant attorney general-prosecutor shall decide whether the charges based on RCW 18.130.180(8) shall be prosecuted or settled. If the charges based on RCW 18.130.180(8) are to be settled, the settlement proposal shall be presented to the commission or a duly constituted panel of the commission for a decision on ratification and until ratified, the settlement is not final.

#### NEW SECTION

**WAC 246-808-710 Professional standards review organizations.** Unless prohibited by federal or state law, every professional standards review organization operating within the state of Washington shall report to the commission any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice their profession with reasonable skill and safety to consumers as a result of a mental or physical condition.

#### NEW SECTION

**WAC 246-808-720 Commission conflict of interest.** Members of the commission shall not participate in deciding a case or in rule making where their participation presents a conflict of interest, creates an appearance of a conflict of interest or where the commission determines the member's participation raises questions as to the impartiality of the commission.

### SUBSTANCE ABUSE MONITORING

#### NEW SECTION

**WAC 246-808-801 Purpose.** The commission recognizes the need to establish a means of proactively providing early recognition and treatment options for chiropractors whose competency may be impaired due to the abuse of drugs or alcohol. The commission intends that such chiropractors be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this, the commission shall approve voluntary substance abuse monitoring programs and shall refer chiropractors impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

#### NEW SECTION

**WAC 246-808-810 Definitions.** The following general terms are defined within the context used in this chapter:

"**Aftercare**" is that period of time after intensive treatment that provides the chiropractor and the chiro-

practor's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

"**Approved substance abuse monitoring program**" or "**approved monitoring program**" is a program the commission has determined meets the requirements of the law and the criteria established by the commission in WAC 246-808-820 which enters into a contract with chiropractors who have substance abuse problems regarding the required components of the chiropractor's recovery activity and oversees the chiropractor's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating chiropractors.

"**Approved treatment facility**" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

"**Contract**" is a comprehensive, structured agreement between the recovering chiropractor and the approved monitoring program stipulating the chiropractor's consent to comply with the monitoring program and its required components of the chiropractor's recovery activity.

"**Health care professional**" is an individual who is licensed, certified, or registered in Washington to engage in the delivery of health care to patients.

"**Random drug screens**" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person being tested.

"**Substance abuse**" means the impairment, as determined by the commission, of a chiropractor's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

"**Support group**" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which chiropractors may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

"**Twelve-step groups**" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

#### NEW SECTION

**WAC 246-808-820 Approval of substance abuse monitoring programs.** The commission shall approve the monitoring program(s) which shall participate in the commission's substance abuse monitoring program. A monitoring program approved by the commission may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program shall not provide evaluation or treatment to the participating chiropractor.

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(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of chiropractic as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Support groups;
- (e) The chiropractic work environment; and
- (f) The ability of the chiropractor to practice with reasonable skill and safety.

(3) The approved monitoring program shall enter into a contract with the chiropractor and the commission to oversee the chiropractor's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff shall recommend, on an individual basis, whether a chiropractor shall be prohibited from engaging in the practice of chiropractic for a period of time and restrictions, if any, on the chiropractor's access to controlled substances in the workplace.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program shall be responsible for providing feedback to the chiropractor as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the commission any chiropractor who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall receive from the commission guidelines on treatment, monitoring, and limitations on the practice of chiropractic for those participating in the program.

**NEW SECTION**

**WAC 246-808-830 Participation in approved substance abuse monitoring program.** (1) In lieu of disciplinary action, the chiropractor may accept commission referral into the approved substance abuse monitoring program.

(a) The chiropractor shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation shall be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The chiropractor shall enter into a contract with the commission and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The chiropractor shall undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The chiropractor shall agree to remain free of all mind-altering substances including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The chiropractor must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The treatment counselor(s) shall provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis, and goals.

(v) The chiropractor shall submit to random drug screening as specified by the approved monitoring program.

(vi) The chiropractor shall attend support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the contract.

(vii) The chiropractor shall comply with specified employment conditions and restrictions as defined by the contract.

(viii) The chiropractor shall sign a waiver allowing the approved monitoring program to release information to the commission if the chiropractor does not comply with the requirements of this contract.

(c) The chiropractor is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The chiropractor may be subject to disciplinary action under RCW 18.130.160 if the chiropractor does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A chiropractor who is not being investigated by the commission or subject to current disciplinary action or currently being monitored by the commission for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the commission. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the commission if they meet the requirements of the approved monitoring program as defined in subsection (1) of this section.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsection (1) of this section. Records held by the commission under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

**CHIROPRACTIC FEES**

**NEW SECTION**

**WAC 246-808-990 Chiropractic fees.** The following fees shall be charged by the department of health:

Title of Fee	Fee
Application/full examination or reexamination	\$300.00
Original license	200.00
Temporary permit application	150.00
Temporary practice permit	50.00
Preceptorship	100.00

License renewal	300.00
Late renewal penalty	150.00
Inactive license renewal	150.00
Duplicate	15.00
Certification	25.00
Chiropractic x-ray technician application	25.00
Chiropractic x-ray technician original registration	25.00
Renewal	40.00
Late renewal penalty	25.00
Duplicate	15.00
Certification	25.00

**WSR 96-10-007**  
**PROPOSED RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed April 19, 1996, 9:30 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-022.

Title of Rule: Chapter 468-66 WAC, Highway Advertising Control Act.

Purpose: Amends WAC 468-66-010(15).

Statutory Authority for Adoption: Chapter 47.42 RCW.

Summary: Changes the definition of primary system to be identical with Title 23, Section 103, Subsection (t), United States Code, as amended by the 1991 Federal Intermodal Surface Transportation Efficiency Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David K. Peach, Republic Building, 505 East Union, Olympia, WA 98504, (360) 705-7280.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: Changes the definition of primary system highway to include any highway which is not on such system, but which is on the national highway system.

Proposal Changes the Following Existing Rules: See above explanation.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Does not apply.

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

Hearing Location: Department of Transportation, Commission Board Room 1D2, Transportation Building, Olympia, Washington 98504, on June 6, 1996, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact TDD (360) 705-6980 by June 3, 1996.

Submit Written Comments to: David K. Peach, Washington State Department of Transportation, 505 East Union, Olympia, WA 98504, FAX (360) 705-6826, by June 3, 1996.

Date of Intended Adoption: June 6, 1996.

April 12, 1996  
 S. A. Moon  
 Deputy Secretary  
 for Operations

AMENDATORY SECTION (Amending Order 144, filed 5/27/94, effective 6/27/94)

**WAC 468-66-010 Definitions.** The following terms when used in this chapter shall have the following meanings:

(1) "Abandoned." A sign for which neither sign owner nor land owner claim any responsibility.

(2) "Act" shall mean the Highway Advertising Act of 1961, as amended and embodied in chapter 47.42 RCW.

(3) "Centerline of the highway" means a line equidistant from the edges of the median separating the main-traveled ways of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

(4) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main-traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after May 10, 1974.

(5) "Commission" means the Washington state transportation commission.

(6) "Discontinued." A sign shall be considered discontinued if, after receiving notice of absence of advertising content for three months, the permit holder fails to put advertising content on the sign within three months of the notice.

(7) "Entrance roadway" means any public road or turning roadway including acceleration lanes, by which traffic may enter the main-traveled way of a controlled access highway from the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also leave the main-traveled way by such road or turning roadway.

(8) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(9) "Exit roadway" means any public road or turning roadway including deceleration lanes, by which traffic may

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leave the main-traveled way of a controlled access highway to reach the general road system within the state, including rest areas, view points, and sites used by the general public, irrespective of whether traffic may also enter the main-traveled way by such road or turning roadway.

(10) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103((d)) (e) of Title 23, United States Code.

(11) "Legible" means capable of being read without visual aid by a person of normal visual acuity.

(12) "Maintain" means to allow to exist. A sign loses its right to remain as a nonconforming sign if its size is increased more than fifteen percent over its size on the effective date of the Scenic Vistas Act on May 10, 1971, or the effective date of control of a given route, whichever is applicable. The sign may continue as long as it is not destroyed, abandoned, or discontinued. Such signs may be reerected in kind if destroyed due to vandalism, and other criminal or tortious acts.

(13) "Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, entrance roadways, exit roadways, or parking areas.

(14) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals.

(15) "Primary system" means any state highway which is part of the federal-aid primary system as described in section 103(b) of Title 23, United States Code, in existence on June 1, 1991, as enacted in the 1991 Intermodal Surface Transportation Efficiency Act, and any highway which is not on such system but which is on the National Highway System.

(16) "Scenic system" means:

(a) Any state highway within any public park, federal forest area, public beach, public recreation area, or national monument;

(b) Any state highway or portion thereof outside the boundaries of any incorporated city or town designated in RCW 47.42.140 by the legislature as a part of the scenic system; or

(c) Any national scenic byway, state scenic byway, or state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature in chapter 47.39 RCW as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway as determined by the department.

(17) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway.

(18) "Trade name" shall include brand name, trademark, distinctive symbol, or other similar device or thing used to identify particular products or services.

(19) "Traveled way" means the portion of a roadway for the movement of vehicles, exclusive of shoulders.

(20) "Turning roadway" means a connecting roadway for traffic turning between two intersection legs of an interchange.

(21) "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(22) "Electronic sign" means an outdoor advertising sign, display, or device whose message may be changed by electrical or electronic process, and includes the device known as the electronically changeable message center for advertising on-premise activities (WAC 468-66-070).

(23) "Public service information" means a message on an electronic sign which provides the time, date, temperature, weather, or information about nonprofit activities sponsored by civic or charitable organizations.

(24) "Temporary agricultural directional sign" means a sign on private property adjacent to state highway right of way to provide directional information to places of business offering for sale seasonal agricultural products.

(25) "National scenic byway" means any state highway designated as part of the national scenic byway system authorized by the 1991 Intermodal Surface Transportation Efficiency Act.

(26) "State scenic byway" means any scenic and recreational highway established by chapter 47.39 RCW.

(27) "Visible development" means those areas determined by the department to have development, both in type and location, that meet the requirements for unzoned commercial and industrial areas prescribed by RCW 47.42.020(9) and such development is not visually obstructed by vegetation or other natural features. It is prohibited to remove vegetation or other natural features, located within the state highway right of way, that may act as visual obstructions.

**WSR 96-10-010**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Filed April 19, 1996, 1:30 p.m.]

Continuance of WSR 96-09-032.

Title of Rule: Chapter 388-110 WAC, Contracted residential care services: Assisted living, enhanced adult residential care, and adult residential care.

Purpose: Establishes in rule, contract requirements for the above-listed services which are provided to state-funded residents in licensed boarding homes.

Date of Intended Adoption: May 1, 1996.

April 19, 1996  
Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

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**WSR 96-10-012**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed April 19, 1996, 1:32 p.m.]

## Original Notice.

Preproposal statement of inquiry was filed as WSR 96-02-047.

Title of Rule: WAC 388-505-0520 Citizenship and alien status.

Purpose: Reversal of policy decision to eliminate payment for prenatal care.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This amendment reinstates full-scope medical coverage for pregnant, undocumented women.

Reasons Supporting Proposal: Original intent. See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 617 8th S.E., Olympia, WA, (360) 753-7462.

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

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

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

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This proposed rule does not regulate or have an economic impact on any small business. This rule impacts only department staff and clients.

Hearing Location: OB-2 Auditorium, 1115 Washington Street S.E., Olympia, WA 98504, on June 5, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Merry Kogut, Supervisor, by May 22, 1996, TTY (360) 753-0625.

Submit Written Comments to and Identify WAC Numbers: Sharon Staley, Rules Coordinator, Rules and Policies Assistance Unit, P.O. Box 45800, Olympia, WA 98504, FAX (360) 664-0118, by May 29, 1996.

Date of Intended Adoption: June 6, 1996.

April 19, 1996  
 Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3923, filed 11/22/95, effective 12/23/95)

**WAC 388-505-0520 Citizenship and alien status.** (1) The department shall provide Medicaid to an otherwise eligible person who is:

(a) A citizen of the United States; or

(b) A North American Indian born in Canada claiming fifty percent:

(i) Indian blood; or

(ii) Or less Indian blood and who has maintained United States residency since before December 25, 1952.

(c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or

(d) An alien lawfully present in the United States according to sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or

(e) An alien granted lawful temporary residence, or permanent residence according to sections 245(a), 210, 210(f), and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA), unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or

(f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.

(2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when the alien is:

(a) Aged, blind, or disabled; or

(b) Seventeen years of age or under; or

(c) Pregnant; or

(d) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.

(3) When an alien as described under subsection (1)(e) or (f) of this section is still under the five-year disqualification period, and is not described under subsection (2) of this section, the department shall provide medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.

(4) For ~~((a))~~ any other alien~~((s))~~, when such alien meets the eligibility requirements of a Medicaid program other than citizenship or alien status requirements, the department shall provide Medicaid as follows:

(a) Full scope medical services for a pregnant woman;  
 or

(b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005~~((; or~~

~~(b) For a pregnant woman;~~

~~(i) Medical care and services as described under subsection (a) of this section;~~

~~(ii) Maternity support services;~~

~~(iii) Maternity case management;~~

~~(iv) Transportation for maternity-related medical appointments; and~~

~~(v) Interpreter services for maternity-related medical appointments)).~~

(5) Medical care services and children's health programs do not require citizenship/alien status.

**WSR 96-10-019**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
 [Filed April 23, 1996, 8:45 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-044.

Title of Rule: Parking enforcement on the state capitol campus.

Purpose: Removes general administration's role in parking enforcement and clarifies Washington State Patrol's enforcement authority on the capitol campus.

Statutory Authority for Adoption: RCW 46.08.150.

Statute Being Implemented: RCW 46.08.150, 46.08.-160, 46.08.170.

Summary: Proposed revisions to the Washington Administrative Code for parking enforcement on the capitol campus are as follows:

- Repeal all provisions related to barreling.
- Delete definition of "campus security patrol" and replace incidences in WAC 236-12-351 with "Washington State Patrol."
- Delete Department of General Administration's schedule of "noncompliance fees," and replace with "traffic infractions" in accordance with RCW 46.08.170.
- Add language authorizing the Washington State Patrol to tow repeat offenders.
- Define repeat offenders as those receiving *more than* three notices of traffic infractions in a twelve-month period.
- Include repeat offenders in list of those whose parking privileges may be revoked or suspended under WAC 236-12-361.
- Remove language relating to payment of parking fees and penalties for failure to pay within designated time period.
- Remove "parking enforcement" from the address in WAC 236-12-370.

Reasons Supporting Proposal: The revisions will clarify Washington State Patrol's authority to ensure accessibility of the capitol campus facilities and to protect the health and safety of the public and public employees in their use.

Name of Agency Personnel Responsible for Drafting: Marygrace Jennings, 204 General Administration Building, Olympia, (360) 902-7208; Implementation: Ron McQueen, 1058 Capitol Way, Olympia, (360) 586-5948; and Enforcement: Lt. John Brunn, General Administration Building, Olympia, (360) 753-2191.

Name of Proponent: Department of General Administration, Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Responsibility for enforcement of parking regulations on the state capitol campus is being transitioned from the Department of General Administration to the Washington State Patrol. Although the Washington State Patrol already has statutory authority for campus parking enforcement (RCW 46.08.160), clarifying amendments to the administrative code are necessary to remove the Department of General Administration's enforcement role and clarify that of the Washington State Patrol. This shift takes advantage of existing Washington State Patrol presence and responsibilities on campus and will result in more consistent and authoritative [authoritative] enforcement.

Proposal Changes the Following Existing Rules: See Summary above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This rule does not affect business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Section 201, chapter 403 does not apply to this rule making. The Department of General Administration is not a listed agency under RCW 34.05.328, and does not elect to apply that section to this process.

Hearing Location: General Administration Building, 2nd Floor, Room 201, 11th Avenue S.W., on June 4th, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Marygrace Jennings by June 3, 1996, TDD (360) 664-3799, or (360) 902-7208.

Submit Written Comments to: FAX (360) 586-5898, by June 4, 1996.

Date of Intended Adoption: June 5, 1996.

April 23, 1996

Marygrace Jennings

Legislative Program Manager

AMENDATORY SECTION (Amending WSR 95-16-107, filed 8/1/95, effective 9/1/95)

**WAC 236-12-015 Definitions.** As used in this chapter, the following terms shall mean:

(1) (~~"Barrel"/"barrelling" defined. A large cylindrical container that is attached to a motor vehicle in order to prevent movement of that motor vehicle.~~

(2) (~~"Campus security patrol" defined. The Washington state patrol as provided under chapter 43.43 RCW.~~

(3) "Director" defined. The director of the department of general administration.

((4)) (2) "Impound"/"impoundment" defined. To take and hold an unauthorized vehicle in legal custody at the direction of the director or designee, subject to the procedures outlined in this chapter and in chapter 46.55 RCW. Such definition includes towing of an unauthorized vehicle.

((5)) (3) "Presiding officer" defined. Pursuant to RCW 34.05.485, a "presiding officer" is an individual(s) who is appointed by the director to preside over administrative hearings and render a decision regarding the (~~imposition of parking fees, barreling of vehicles,~~) suspension or revocation of parking privileges and removal, suspension, or revocation from parking waiting list under this chapter.

((6)) (4) "Reviewing officer" defined. Pursuant to RCW 34.05.491, a "reviewing officer" is an individual(s) who is appointed by the director to review the decisions by the presiding officer and is authorized to grant appropriate administrative relief upon review.

((7)) (5) "State capitol grounds" defined. Those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the Old Capitol Building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

((8)) (6) "Unauthorized vehicle defined." An "unauthorized vehicle" is a vehicle which is parked for any length of time on state capitol grounds and:

(a) Does not display the permit required for that area; and/or

- (b) Is not otherwise authorized to park in that area; and/or
- or
- (c) Is parked in a metered parking area for a consecutive period longer than the time permitted for parking in that area; and/or
- (d) Is parked in a metered parking area with insufficient payment to use the space it occupies; and/or
- (e) Is parked in a parking space designated for disabled individuals and such vehicle does not display a valid special license plate or placard; and/or
- (f) Is parked in a parking space reserved for use by another vehicle; and/or
- (g) Is parked in an area not designated for parking.

~~((9))~~ (7) "Vehicle" defined. All mechanical transportation devices defined as vehicles in the motor vehicle laws and of the state of Washington including motorcycles and motor-driven cycles.

~~((10))~~ (8) "Way open to the public defined." Any road, alley, lane, parking area, parking structure, path, or any place private or otherwise adapted to and fitted for travel that is in common use by the public with the consent expressed or implied of the owner or owners, and further shall mean public play grounds, school grounds, recreation grounds, parks, park ways, park drives, park paths.

~~((11))~~ (9) "Employee defined." Any person assigned to a state facility, including state employees and the staff of vendors, concessionaires, contractors and consultants, who are performing duties that are similar to the duties of state employees or that are in direct support of the state agency functions performed at the facility.

~~((12))~~ (10) "Disabled defined." Any person who has made application to the department of licensing in accordance with WAC 308-96A-310, and displays a valid permit in accordance with WAC 308-96A-310 and 308-96A-315.

~~((13))~~ (11) "Visitor defined." Any person parking at a state facility who is not employed at that facility.

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

**WAC 236-12-351 Impoundment without prior notice.** A vehicle may be impounded without prior notice having been made to notify the owner of the possibility of this action in the following circumstances:

- (1) When in the judgment of the ~~((campus security))~~ Washington state patrol the vehicle is obstructing or may impede the flow of traffic; or
- (2) When in the judgment of the ~~((campus security))~~ Washington state patrol the vehicle poses an immediate threat to public safety.

AMENDATORY SECTION (Amending WSR 95-16-107, filed 8/1/95, effective 9/1/95)

**WAC 236-12-360 Parking ~~((fees, barrelling, and/or))~~ infractions and fines—Towing.** Any unauthorized vehicle, as defined in this chapter, shall be ~~((subject to parking fees, barrelling, and/or towing, as described below:))~~ cited for a traffic infraction in accordance with RCW 46.08.170. Repeat offenders are those receiving more than three notices of traffic infractions within a twelve-month period. Repeat offenders are subject to towing in accordance with chapter 46.55 RCW.

~~((1))~~ For parking a ~~motor vehicle without a valid special license plate or placard in a parking place reserved for physically disabled persons shall be:~~ \$175 parking fee, except that if a person produces the required special license plate or placard within 20 days of receiving the notice, the person shall not be determined to have committed an infraction.

- (2) All other unauthorized vehicles:
- First occurrence — \$8.00 parking fee
  - Second occurrence within a 12-month period — \$8.00 parking fee
  - Third occurrence within a 12-month period — Vehicle barred with \$50.00 removal charge and payment of all outstanding parking fees.
  - Fourth and subsequent occurrences within a 12-month period — Vehicle may be immediately towed. Registered owner or authorized person must pay towing costs and all outstanding parking fees.)

AMENDATORY SECTION (Amending WSR 95-16-107, filed 8/1/95, effective 9/1/95)

**WAC 236-12-361 Suspension and/or revocation of parking privileges.** Repeated use of assigned parking spaces by unauthorized vehicles or for nonofficial purposes or for the storage of personal property and/or the repeated transfer of parking permits from one vehicle to another and/or being a repeat offender as defined in WAC 236-12-360 may result in the suspension or revocation of parking privileges. ~~((Fees for parking by unauthorized vehicles shall be paid within twenty days of notice or within ten days of final disposition of any appeals. Failure to pay within these periods))~~ Violations may result in suspension and/or revocation of any permits issued to the violator and/or removal, suspension, and/or revocation from the parking waiting list for parking on state capitol grounds.

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

**WAC 236-12-370 Hearing rights—~~((Parking fees, barrelling,))~~ Suspension~~((,))~~ and/or revocation of parking privileges or removal, suspension, or revocation from parking waiting list.** Any person or entity seeking to contest ~~((an assessment of parking fees, barrelling,))~~ suspension~~((,))~~ and/or revocation of parking privileges or removal, suspension, or revocation from parking waiting list has a right to a hearing to contest the validity of those ~~((fees or))~~ actions. Such request must be made in writing and received in the office of parking services within twenty days of the date of ~~((parking fee))~~ notice or effective date of action or

PROPOSED

such right to a hearing is forfeited. Hearing requests must be submitted to:

((Parking Enforcement))  
Office of Parking Services  
Department of General Administration  
P.O. Box 41025  
Olympia, WA 98504-1025

AMENDATORY SECTION (Amending WSR 92-04-036, filed 1/30/92, effective 3/1/92)

**WAC 236-12-371 Hearing procedure—((Parking fees, barrelling,)) Suspension((s)) and/or revocation of parking privileges and removal, suspension, or revocation from parking waiting list.** (1) Contested hearings held pursuant to WAC 236-12-370 shall be conducted as brief adjudicative proceedings according to RCW 34.05.482, 34.05.485, 34.05.488, 34.05.491 and 34.05.494.

(2) Upon receipt of a written request for a hearing, the presiding officer shall provide the contesting party an opportunity to be informed of the agency's view of the matter and an opportunity to explain the contesting party's view of the matter.

(3) Within ten days of this opportunity, the presiding officer shall serve upon the contesting party and the agency, a brief written statement of the reasons for the decision. Such statement shall include notice that the contesting party may request an agency administrative review of that decision. The contesting party must request such review either orally or in writing within twenty-one days of service of the written statement. Service is deemed to be completed upon deposit in the United States mail as evidenced by the postmark.

(4) If no agency review is so requested by the contesting party, the agency may, on its own motion, review the brief written statement of the presiding officer. Action less favorable to the contesting party may not be taken by the reviewing officer without notice to that party and an opportunity to explain that party's view of the matter.

(5) If no review is taken by the agency or by the contesting party, then the brief written statement of the presiding officer becomes the final order and no further administrative or judicial review is available.

(6) If review is requested, the reviewing officer shall give the contesting party and the agency an opportunity to present their respective views of the matter. Within twenty-one days of receipt of the request for review, the reviewing officer shall issue a final order which includes a brief statement of the reasons for the decision. The final order shall include notice of any judicial review available under the Administrative Procedure Act, chapter 34.05 RCW.

(7) Any of the time limits set forth in this hearing process may be waived by the contesting party.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 236-12-362      Parking fee and barrel removal payments for unauthorized vehicles—Method of payment.

#### WSR 96-10-039 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed April 26, 1996, 10:01 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: Chapter 308-330 WAC, Washington model traffic ordinance.

Purpose: Amend the model traffic ordinance to reflect legislation enacted during the 1996 regular session and make administrative amendment.

Other Identifying Information: Chapters 26, 89, and 225, Laws of 1996.

Statutory Authority for Adoption: RCW 46.90.010.

Statute Being Implemented: RCW 46.12.005, sections 11 and 12, chapter 225, Laws of 1996, RCW 46.20.309 and 46.20.435.

Summary: Implementing legislation relating to motor vehicle equipment, impoundment of vehicles, and vehicles rebuilt from salvage. Administrative amendment to delete reference to RCW 46.20.309 which was recodified to RCW 46.61.503 during the 1995 legislative session.

Reasons Supporting Proposal: To provide a compilation of uniform traffic laws to serve as a guide which local authorities may adopt by reference.

Name of Agency Personnel Responsible for Drafting: Jack L. Lince, Highways-Licenses Building, Olympia, Washington, (360) 902-3773; Implementation and Enforcement: Nancy Kelly, Highways-Licenses Building, Olympia, Washington, (360) 902-3754.

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: No new sections are being proposed with this rule making.

Proposal Changes the Following Existing Rules: WAC 308-330-300, RCW 46.12.005 is added to this rule to define "salvage vehicle" enacted in section 1, chapter 26, Laws of 1996 (SSB 6271); WAC 308-330-305, (SSB 5250) limits the use of collector vehicles; WAC 308-330-307, (HB 2595) repeals RCW 46.20.435, relating to the impoundment of a driver's vehicle; WAC 308-330-316, (SSB 5250) adds a new section to chapter 46.37 RCW relating to optional equipment on street rods and kit vehicles. Definitions of street rods and kit vehicles are added to chapter 46.04 RCW; and WAC 308-330-400, administrative change to delete RCW 46.20.-309 which was recodified to RCW 46.61.503 by section 20, chapter 332, Laws of 1995.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rules do not impose costs on businesses in an industry.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The proposed rules relate only to internal governmental operations and are not subject to violations by a nongovernment party.

Hearing Location: Conference Room 303, Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA, on June 6, 1996, at 11:00 a.m.

PROPOSED

Assistance for Persons with Disabilities: Contact Jack Lince by June 4, 1996, TDD (360) 664-8885.

Submit Written Comments to: Jack Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by June 4, 1996.

Date of Intended Adoption: June 12, 1996.

April 25, 1996

Nancy Kelly, Administrator  
Title and Registration Services

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

**WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.215, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

**WAC 308-330-305 RCW sections adopted—Vehicle licenses.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.088, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.316, 46.16.381, 46.16.390, 46.16.500, 46.16.505, section 11, chapter 225, Laws of 1996, and RCW 46.16.595.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

**WAC 308-330-307 RCW sections adopted—Driver licenses-identcards.** The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, ~~((46.20.435;))~~ 46.20.500, 46.20.510, 46.20.550, 46.20.750, and 46.20.3101.

AMENDATORY SECTION (Amending WSR 95-23-042, filed 11/13/95, effective 12/14/95)

**WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this

chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, ~~((and))~~ 46.37.620, and section 12, chapter 225, Laws of 1996.

AMENDATORY SECTION (Amending WSR 94-23-029, filed 11/8/94, effective 12/9/94)

**WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception.** The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

(2) The provisions of RCW ((46.20.309;)) 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through 46.61.508 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

#### WSR 96-10-040

#### PROPOSED RULES

#### DEPARTMENT OF REVENUE

[Filed April 26, 1996, 10:52 a.m.]

Continuance of WSR 96-06-057.

Preproposal statement of inquiry was filed as WSR 95-24-052.

Title of Rule: WAC 458-20-199 Accounting methods.

Purpose: The rule is being amended to include a presumption that taxpayers reporting federal income taxes on a cash receipts basis are considered to be maintaining the accounting records on a cash receipts basis.

Other Identifying Information: This is a continuance of the rule hearing begun on April 10, 1996, and published in WSR 96-06-057.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.04.090 and 82.08.100.

Summary: This rule explains the accounting methods that are acceptable to the department for reporting of sales for business and occupation tax and retail sales tax. This rule amendment will make reporting of state taxes more consistent with reporting of federal taxes. The rule clarifies that sales can be made "on account" and still reported on a cash basis if the records are generally kept on a cash basis.

The department will recognize a presumption that records are being kept on a cash basis if federal income tax returns are prepared on a cash basis.

Reasons Supporting Proposal: This will provide greater consistency with federal tax reporting requirements and can reduce the administrative burden for record keeping on some businesses.

Name of Agency Personnel Responsible for Drafting and Implementation: Alan Lynn, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 586-9040; and Enforcement: Russell Brubaker, 711 Capitol Way South, Suite #303, Olympia, WA, (360) 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: RCW 82.04.090 and 82.08.100 state that taxpayers are to report their business and occupation (B&O) tax and the retail sales tax under either the cash method or the accrual method of accounting, depending on the method of accounting regularly used by the taxpayer. This rule explains these methods of accounting. Because of the difficulty in determining the method of accounting used by small businesses with less sophisticated accounting records, the rule establishes a presumption that if federal income tax returns are prepared on a cash basis, it will be presumed that the accounting records are generally being maintained on the cash basis. The anticipated effect is that it will be easier for taxpayers to determine the proper method of accounting to follow in reporting state taxes and this should result in more accurate voluntary tax reporting with fewer assessments and disputes with the department's audit staff. It will make state tax returns easier to reconcile with federal tax returns and result in greater consistency.

Several changes have been made to the proposed rule published in WSR 96-06-057 in response to comments received during the rule-making process. Because of these changes, this continuance has been filed and the proposed rule with the changes has been published. Significant additional language has been added in the last paragraph of subsection (2) indicating that taxpayers may choose either the cash or accrual basis if the general ledger is on an accrual basis, but federal tax returns are prepared on a cash basis. Once a method is selected, that method must continue to be used consistently over future periods. Subsection (4) has been added to explain that cash basis taxpayers need to report receivables at the time they give up entitlement to those receivables, such as factoring of accounts receivable. Several examples have been added.

\*\* A previous proposed rule-making hearing was held on April 10, 1996. Following the mailing to announce that hearing, the department determined that not all subscribers on its rules maintenance list received that mailing. To assure that all interested persons have an opportunity to comment on the rule and attend a hearing, this continuance is being filed and another hearing scheduled.

Proposal Changes the Following Existing Rules: This proposal amends WAC 458-20-199. It provides a presumption that if federal income tax returns are prepared on a cash receipts basis, the records will be presumed to be kept on a cash receipts basis.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed changes to this rule do not impose any new or additional duty or burden on Washington businesses. The proposed rule, in fact, may reduce the business record-keeping cost of some businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. This is an interpretive rule to implement specific statutes.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on May 21, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by May 13, 1996, TDD 1-800-451-7985, or (360) 753-3217.

Date of Intended Adoption: May 24, 1996.

April 26, 1996

Russell W. Brubaker  
Assistant Director

**AMENDATORY SECTION** (Amending WSR 92-03-026, filed 1/8/92, effective 2/8/92)

**WAC 458-20-199 Accounting methods.** (1) **Introduction.** In computing tax liability under the business and occupation tax and the retail sales tax, one of the following accounting methods (~~should~~) must be used. This is true for all businesses, whether their activity involves the sale of tangible personal property or the rendering of services. (See WAC 458-20-197 for an explanation of when tax liability arises under the accrual method versus the cash receipts method.)

(2) **Method one, cash basis.** A taxpayer may file excise tax returns in each reporting period with figures based upon cash receipts only if the taxpayer's (~~regular~~) books of account are regularly kept on a (~~strictly~~) cash receipts basis. (See RCW 82.04.090.) A taxpayer whose books of account recognize income at the time a sale is made or a service is rendered, regardless of when payment is received, is keeping its records on an accrual basis and must report and pay tax on the accrual basis. For those (~~businesses~~) taxpayers who maintain formal accounting records, the department of revenue will generally look to the revenue accounts of the general ledger of the (~~business~~) taxpayer and to the method of accounting used for reporting of federal income taxes to determine when the income is recognized. However, all records of the (~~business~~) taxpayer will be considered by the department in determining whether the records are being kept on an accrual basis, particularly for those (~~businesses which~~) taxpayers who do not maintain formal records such as a general ledger.

The fact that a taxpayer makes sales "on account" and has records to identify the accounts receivable does not preclude the taxpayer from reporting on a cash receipts basis. Taxpayers can have accounts receivable and still report on the cash basis, provided the accounting records, such as the general ledger or federal income tax returns, do not record the sales on account as income until the cash is actually received. If a taxpayer keeps a general ledger on an accrual basis and federal income tax returns on a cash basis, the taxpayer may elect to report state tax returns on either the cash basis or the accrual basis. However, once a

reporting basis is selected, the reporting basis may not be changed without authorization from the department unless the method for reporting federal taxes changes or the method used in keeping the records changes. A taxpayer who maintains its records throughout the year on a cash basis, including a general ledger, and elects to make a worksheet adjustment at year-end to report federal taxes on an accrual basis, will be permitted to report state taxes on a cash basis.

(3) **Method two, accrual basis.** A taxpayer who does not regularly keep books of account on a ((strictly)) cash receipts basis must file returns with figures based on the accrual method. These taxpayers must report the gross proceeds from all cash sales made in the tax reporting period in which the sales are made, together with the total amount of charge sales during such period. The law does not require a taxpayer to use a particular accounting system. However, the taxpayer must report based on the system of accounting used by the business, regardless of the taxpayer's reasons for selecting a particular accounting system. ~~((For example, if a taxpayer reports to the federal government on a cash basis, but maintains accounting records on an accrual basis, the taxpayer is still obligated to report the excise taxes to the state on the accrual basis.))~~ It will be presumed that a taxpayer who is permitted under federal law or regulations to report its federal income taxes on a cash basis and does so is maintaining the records on a cash basis. A taxpayer who maintains a general ledger on an accrual basis and files federal tax returns on an accrual basis must also report state tax returns on an accrual basis.

(a) Taxpayers who make installment sales or leases of tangible personal property must use the accrual method when they compute their tax liability. (See RCW 82.08.090, WAC 458-20-198 and 458-20-211.)

(b) In the case of rentals or leases, the income is considered to have accrued to the seller in the tax reporting period in which the seller is entitled to receive the rental or lease payment.

(4) **Constructive receipt.** "Constructive receipt" means income that a cash basis taxpayer is entitled to receive, but will not receive because of an action taken by the taxpayer. Constructive receipts are taxable in the tax reporting period in which the taxpayer gives up the entitlement to actual future receipt of the income. The following examples show how this applies to a cash basis taxpayer.

(a) XYZ has \$10,000 in accounts receivable which XYZ expects to collect over the next six months. XYZ elects to sell these accounts receivable for eighty percent of their face value. Even though the taxpayer only receives \$8,000 from the sale of the accounts receivable, XYZ is taxable on the full \$10,000 because it has taken constructive receipt of the full \$10,000 by taking an action to give up entitlement to the \$2,000.

(b) XYZ has \$1,500 in accounts receivable from customers who are delinquent in making payment. XYZ turns these accounts receivable over to a collection agency with the understanding that the collection agency may keep half of whatever is collected. The collection agency over the next month collects \$500 and keeps \$250 of this amount for its services. XYZ is taxable on the full \$500 collected by the collection agency. XYZ has constructive receipt of this amount and the \$250 retained by the collection agency is a cost of doing business to the taxpayer.

(c) XYZ is involved in a bankruptcy proceeding. The receipt of cash from accounts receivable will be placed in an escrow account. These funds will be used to pay creditors and a portion of these amounts will be given to the taxpayer. The full amount of the accounts receivable collected and going into the escrow is taxable income to XYZ. XYZ has received the full benefit of the cash received from the accounts receivable through payment of XYZ's creditors.

**WSR 96-10-049**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed April 29, 1996, 11:02 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 230-30-097 Standards—Approved pull tab dispensing devices.

Purpose: To update pull tab dispensing device standards.

Statutory Authority for Adoption: RCW 9.46.070 (1), (4), (14), (20).

Summary: Updates pull tab dispensing device rule to reflect new machines being manufactured.

Reasons Supporting Proposal: Petition from two licensees to update pull tab dispensing devices.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654, ext. 310; Implementation: Sherri Winslow, Lynnwood, (206) 776-6751; and Enforcement: Frank L. Miller, Lacey, (360) 438-7654, ext. 302.

Name of Proponent: Universal Manufacturing, Inc., and Technik Manufacturing, Inc., public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amendments to WAC 230-30-097 are anticipated to authorize for use in Washington a new type of pull tab dispensing device to dispense "jar" and/or "banded" type pull tabs.

Proposal Changes the Following Existing Rules: Amendments add language specifically addressing pull tab dispensing devices that dispense "jar" and/or "banded" type pull tabs.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Amendments will authorize a new type of dispensing device that could potentially increase licensee revenues.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: La Conner Country Inn, Vantage Room, 107 South Second Street, La Conner, WA 98257, on June 14, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by June 11, 1996, TDD (360) 438-7638, or (360) 438-7654.

Submit Written Comments to: Michael Aoki-Kramer,  
P.O. Box 42400, Olympia, WA 98504-2400, FAX (360)  
438-8652, by June 11, 1996.

Date of Intended Adoption: June 14, 1996.

April 29, 1996

Michael R. Aoki-Kramer  
Rules and Policy Coordinator

**AMENDATORY SECTION** (Amending Administrative  
Order 282, WSR 95-23-109, filed 11/22/95, effective 1/1/96)

**WAC 230-30-097 Standards—Approved pull tab dispensing devices.** Operators may utilize approved pull tab dispensing devices provided that each device meets the following standards:

(1) Devices must be manufactured by a commission licensed manufacturer.

(2) Devices shall conspicuously display a stamp, seal, or label identifying 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 manufactured specifically for the dispensing of perforated window type pull tabs shall meet the following standards:

(a) 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, and have permanent lines or markings which divide the pull tabs remaining in the device into divisions of approximately twenty-five tabs so that the consumer can determine how many tabs remain within the device; or

(b) have a resettable counter visible to the customer that accurately tabulates and displays the number of pull tabs left in the device. The counter may only be reset when the series being counted down is permanently removed from the dispenser.

(5) Devices manufactured specifically for the dispensing of "jar" or "banded" type pull tabs shall meet the following standards:

(a) Be constructed so that consumers can clearly see all jar tickets or jar ticket bundles within the device; or

(b) Have a resettable counter visible to the consumer indicating the number of jar tickets left in the device.

(6) Devices utilizing bill acceptors or similar devices that do not return change shall clearly disclose that fact to the consumer.

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

**WSR 96-10-050**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**

[Filed April 29, 1996, 11:04 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 230-50-800 Petitions for rule making, amendments, or repeal; and 230-02-035 Field offices and operations.

Purpose: Housekeeping changes.

Statutory Authority for Adoption: RCW 9.46.070, chapter 34.05 RCW.

Statute Being Implemented: RCW 34.05.330.

Summary: Housekeeping amendments to implement 1995 regulatory reform legislation and to update commission office locations.

Name of Agency Personnel Responsible for Drafting: Michael Aoki-Kramer, Lacey, (360) 438-7654, ext. 310; Implementation and Enforcement: Frank Miller, Lacey, (360) 438-7654, ext. 302.

Name of Proponent: Washington State Gambling Commission, governmental.

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

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

Proposal Changes the Following Existing Rules: WAC 230-50-800, amendment adopts language adopted by the Office of Financial Management pursuant to RCW 34.05.-330; and WAC 230-02-035, amendments update Gambling Commission field office locations.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Housekeeping changes will have no fiscal impact on licensees.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The agency does not choose to make section 201, chapter 403, Laws of 1995, apply to this rule adoption.

Hearing Location: La Conner Country Inn, Vantage Room, 107 South Second Street, La Conner, WA 98257, on June 14, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Susan Green by June 11, 1996, TDD (360) 438-7638, or (360) 438-7654, ext. 310.

Submit Written Comments to: Michael Aoki-Kramer, P.O. Box 42400, Olympia, WA 98504-2400, FAX (360) 438-8652, by June 11, 1996.

Date of Intended Adoption: June 14, 1996.

April 29, 1996

Michael R. Aoki-Kramer  
Rules and Policy Coordinator

**AMENDATORY SECTION** (Amending WSR 89-24-003 (Order 200), filed 11/27/89, effective 12/28/89)

**WAC 230-50-800 Petitions for rule making, amendments, or repeal.** ((+)) Any person may petition the commission requesting the adoption, amendment, or repeal of any rule.

~~((2) Where the petition requests the adoption of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.~~

~~(3) The petition must include a small business economic impact statement in accordance with RCW 19.85.040~~

~~(4) All petitions shall be considered by the commission and the commission may, in its discretion, order a hearing for the further consideration and discussion of the requested adoption, amendment, or repeal, of any rule.~~

~~(5) The commission shall notify the petitioning party within sixty days by (a) denying the petition in writing and stating the reason for denial, or (b) initiate rule-making procedures in accordance with chapter 34.05 RCW.~~

~~(6) Any person petitioning the commission requesting the adoption, amendment or repeal of any rules shall generally adhere to the following form for such purpose:~~

~~(a) At the top of the page shall appear the wording "before the Washington state gambling commission." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether adoption, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."~~

~~(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the adoption of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by commission rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.~~

~~(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the commission. Petitions shall be on white paper, either 8 1/2" X 11" or 8 1/2" X 13" in size.) The petition should contain sufficient information so that the agency and public can understand the proposal. **Every petition for adoption, repeal, or amendment of a rule must include the following information:**~~

~~(1) The name of the agency responsible for administering the rule, and~~

~~(2) The rationale for adoption of a new rule or amendment or repeal of an existing rule.~~

~~(3) In addition to any other concerns, you, the petitioner, are encouraged to address whether:~~

~~(a) the rule is authorized;~~

~~(b) the rule is needed;~~

~~(c) the rule conflicts with or duplicates other federal, state, or local laws;~~

~~(d) alternatives to the rule exist that will serve the same purpose at less cost;~~

~~(e) the rule applies differently to public and private entities~~

~~(f) the serves the purposes for which it was adopted;~~

~~(g) the rule imposes unreasonable costs;~~

~~(h) the rule is clearly and simply stated; and~~

~~(i) the rule differs, without adequate justification, from a federal law which applies to the same activity or subject matter.~~

~~(4) When you are:~~

~~(a) **Proposing a new rule**, the petition should include the text of the proposed rule or a description of its provisions;~~

~~(b) **Requesting amendment of an existing rule**, the petition should include the name, title, number of the rule, and the text or description of the amendment; or~~

~~(c) **Requesting repeal of an existing rule**, the petition should include the name, title, number of the rule, and a description of the effects of repealing the rule.~~

~~(5) You, the petitioner, can obtain a standard petition form the office of financial management or any state agency involved in rule making. Agencies must accept petitions submitted using the standard form or in any other format that provides the information described in subsections (1) through (4) of this section.~~

~~(6) **How do I submit a petition?**~~

~~(a) Petitions for adoption, amendment, or repeal of a rule must be faxed to (360) 438-8652, or mailed to the following address:~~

~~Washington State Gambling Commission~~

~~ATTN: Rules Coordinator~~

~~PO Box 42400~~

~~Olympia, WA 98504-2400.~~

~~(b) Submission of a petition is defined as receipt of the petition by the gambling commission.~~

~~(7) **What happens after a petition is submitted?**~~

~~(a) Within a reasonable time, the administering agency will send you, the petitioner, acknowledgment of receipt of the petition, including the name and telephone number of a contact person.~~

~~(b) No later than sixty days after receipt of a petition, the agency must either~~

~~(i) initiate rule-making proceedings in accordance with chapter 34.05 RCW, or~~

~~(ii) Deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the agency must indicate alternative means by which the agency will address the concerns raised in the petition.~~

~~(8) **How can I appeal gambling commission denial of my petition?**~~

~~(a) Within thirty days of the denial, you, the petitioner, may appeal the denial to the governor.~~

~~(b) The governor will process the appeal according to RCW 34.05.330(2).~~

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.

**AMENDATORY SECTION** (Amending Order 237, filed 2/19/93, effective 3/22/93)

**WAC 230-02-035 Field offices and operations.** The administrative office of the commission and its staff is located at 649 Woodland Square Loop, SE, Lacey, WA 98503-8121. The mailing address is: PO Box 42400,

Olympia, WA 98504-2400. Commission offices located in other cities are as follows:

City	Telephone Number
<b>Eastern Region</b>	
N 901 Monroe, Rm. 240 Spokane 99201	(509) 456-3167
<del>((1031 Broadway Moses Lake 98837</del>	<del>(509) 766-2305</del>
901 Summitview, #230), 502 W. Nob Hill Blvd. Suite #1 Yakima 98902	(509) 575-2820
<del>((500 N. Morain, Suite 1202, Kennewick 99336</del>	<del>(509) 545-2056)</del>
P.O. Box 2067, Wenatchee 98801	(509) 662-0435
<b>Northwest Region</b>	
Fisher Business Center 3500 188th St. SW, Suite 601, Lynnwood 98037	(206) <del>(356-2968)</del> 776-6751
<b>King County Region</b>	
Valley 405 Business Park, 941 Powell Ave., SW, Suite 102, Renton 98055	(206) 277-7139
<b>Southwest Region</b>	
Tacoma Mall Office Building 4301 Pine St. #307 Tacoma 98409-7206	(206) 593-2227
<del>Suite 5, Angelo Plaza 1801 D Street, Vancouver 98663</del>	<del>(360) 696-6783</del>
<del>Suite B, 2625C Parkmont Lane, SW Olympia 98502</del>	<del>(360) 586-4392</del>

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

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

**WSR 96-10-055**  
**PROPOSED RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**

[Filed April 30, 1996, 8:03 a.m.]

**Original Notice.**

Preproposal statement of inquiry was filed as WSR 96-05-054.

**Title of Rule:** Tariffs and pilotage rates for the Grays Harbor pilotage district.

**Purpose:** To establish a Grays Harbor pilotage district annual tariff.

**Other Identifying Information:** WAC 296-116-185.  
**Statutory Authority for Adoption:** RCW 88.16.035.  
**Statute Being Implemented:** RCW 88.16.035.

**Summary:** The proposed rule reflects a one percent increase in all tariff categories to be charged for pilotage services in the Grays Harbor pilotage district for the 1996 tariff year.

**Reasons Supporting Proposal:** RCW 88.16.035 requires that a tariff be set annually.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Pilotage Commission, 1008 Western Avenue, Seattle, WA, 464-7818.

**Name of Proponent:** Board of Pilotage Commissioners, governmental.

**Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters:** Current rates for the Grays Harbor pilotage district expire on July 31, 1996. New rates must be set annually.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule as proposed would increase the tariff for pilotage services in the Grays Harbor pilotage district by one percent over the present tariff in all categories.

**Proposal Changes the Following Existing Rules:** The proposed rule is a one percent increase over the existing tariff in all categories. The board may adopt a rule that varies from the proposed rule upon consideration of presentations and written comments from other interested parties and the public.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed rule is being considered in the context of the required annual revision to the rates charged for pilotage services. The application of the one percent increase is clear in the proposed tariff and represents a minor economic impact on shipping costs.

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

**Hearing Location:** Marine Exchange Conference Center, 2701 1st Avenue, Suite 110, Seattle, WA 98121, on June 13, 1996, at 9:00 a.m.

**Assistance for Persons with Disabilities:** Contact Peggy Larson by June 10, 1996, (206) 464-7818.

**Submit Written Comments to:** Mr. Larry Vognild, Chairman, FAX (206) 464-6368, by June 6, 1996.

**Date of Intended Adoption:** June 13, 1996.

April 25, 1996  
Larry L. Vognild  
Chairman

**AMENDATORY SECTION** (Amending WSR 95-13-054, filed 6/16/95, effective 8/1/95)

**WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.**

**CLASSIFICATION OF PILOTAGE SERVICE RATE**

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~(\$55.95)~~ \$56.51 per meter (or

((~~\$17.02~~) \$17.19 per foot) and the tonnage charge shall be ((~~\$0.1784~~) \$0.1802 per net registered ton. The minimum net registered tonnage charge is ((~~\$624.27~~) \$630.51. The charge for an extra vessel (in case of tow) is ((~~\$356.74~~) \$360.31.

Boarding fee:

Per each boarding/deboarding from a boat . . . . . ((~~\$269.15~~) \$271.84

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage . . . . . ((~~\$447.50~~) \$451.98  
Delays per hour . . . . . ((~~\$106.71~~) \$107.78  
Cancellation charge (pilot only) . . . ((~~\$178.36~~) \$180.14  
Cancellation charge (pilot boat only) ((~~\$535.09~~) \$540.44

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance . . . . . ((~~\$82.82~~) \$83.65

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid ((~~\$624.28~~) \$630.52 for each day or fraction thereof, and the travel expense incurred . . . . . ((~~\$624.28~~) \$630.52

Bridge transit:

Charge for each bridge transited . . . ((~~\$195.90~~) \$197.86

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

Adopted ((~~6-8-95~~) 6-13-96  
Filed ((~~6-16-95~~) 6-25-96  
Effective ((~~7-1-95~~) 8-1-96 through 2400 Hours ((~~7-31-96~~) 7-31-97

**WSR 96-10-057**  
**WITHDRAWAL OF PROPOSED RULES**  
**WESTERN WASHINGTON UNIVERSITY**  
(By the Code Reviser's Office)  
[Filed April 30, 1996, 10:05 a.m.]

WAC 516-23-045, proposed by Western Washington University in WSR 95-21-035, appearing in issue 95-21 of the State Register, which was distributed on November 1,

1995, 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 96-10-062**  
**PROPOSED RULES**  
**ENVIRONMENTAL HEARINGS OFFICE**

(Shorelines Hearings Board)  
[Filed April 30, 1996, 4:30 p.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4) (rules amending agency hearing procedures).

Title of Rule: Shorelines Hearings Board—Practice and procedure—Review of the granting, denying or rescinding of substantial development permits.

Purpose: Sets forth rules governing practice and procedure for hearings conducted by the Shorelines Hearings Board.

Statutory Authority for Adoption: RCW 90.58.175.

Statute Being Implemented: Chapter 90.58 RCW.

Summary: Reorganization of the procedural rules to make them easier to use. Amendment of rules to rescind rules which are no longer applicable due to board practice and statutory changes. Amendment of rules to reflect changes in board practice and to conform with statutory changes and court decisions.

Name of Agency Personnel Responsible for Drafting: Suzanne Skinner, Environmental Hearings Office, (360) 459-6327; Implementation and Enforcement: Richard C. Kelley, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearings Office, governmental.

Rule is necessary because of state court decision, (in part) Stikes Wood v. Lacey, 124 Wn.2d 459 (1994).

Explanation of Rule, its Purpose, and Anticipated Effects: Reduces confusion and improves understanding of the public by making the rules more user-friendly. Moreover, reduces confusion by bringing the rule in conformance with statutory changes and board practice.

Proposal Changes the Following Existing Rules: (1) Reorganizes rules to make simpler to use.

(2) Reflects statutory changes to chapter 90.58 RCW and the Administrative Procedure Act such as change to RCW 90.58.140(6) reducing number of days within which petition for review of a shoreline permitting decision from thirty to twenty-one days.

(3) Clarifies board procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under ESHB 1010 and section 401(2) which states the small business economic impact statement is not required for rules described in RCW 34.05.310(4). RCW 34.05.310 (4)(g)(ii) pertains to rules that adopt, amend or repeal procedural rules for agency hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These procedural rule changes are not significant legislative rules of any of the agencies described

PROPOSED

in ESHB 1010 and section 201 (5)(a)(i) and as these are largely reorganizational changes dictated by statute and changes for clarity, the Environmental Hearings Office is not voluntarily making section 201 (5)(a) applicable to these rules.

Hearing Location: Environmental Hearings Office, 4224 6th Avenue S.E., Lacey, WA, on June 10, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner, (360) 459-6327.

Submit Written Comments to: Suzanne Skinner, FAX (360) 438-7699, by June 5, 1996.

Date of Intended Adoption: June 10, 1996.

April 29, 1996

Suzanne Skinner

Administrative Appeals Judge

## PART A GENERAL

### NEW SECTION

**WAC 461-08-300 Purpose of this chapter and applicability of the board's rules of practice to the civil rules of procedure and the rules of evidence.** (1) The purpose of chapter 461-08 WAC is to provide rules of practice before the shorelines hearings board (hereinafter "board"). The interpretation of these rules may be guided, where relevant, by the civil rules of superior court (hereinafter "civil rules") and the rules of evidence for the superior courts of the state of Washington, as those rules have been construed by Washington state courts.

(2) Except where in conflict with the board's rules, Washington statutes regarding pretrial procedures, civil rules and rules of evidence shall be followed in proceedings before the board unless the presiding officer determines that the evidence, although in conflict with the rules, is admissible pursuant to WAC 461-08-180.

(3) This chapter shall govern practice before the board. The rules in this chapter are consistent with the model rules of procedure issued by the office of administrative hearings, chapter 10-08 WAC except where specifically noted.

### NEW SECTION

**WAC 461-08-305 Definitions.** As used in this chapter the following terms shall have the following meanings:

(1) "Agency" means any state governmental entity.

(2) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in chapter 34.05 RCW. The terms "appeal," "adjudicative proceeding" and "case" are used interchangeably in this chapter.

(3) "Board" means the shorelines hearings board, a quasi-judicial body created pursuant to chapter 90.58 RCW and described in WAC 461-08-315.

(4) "Date of filing" as used in this chapter and RCW 90.58.140(6) has different meanings depending upon the type of local government decision that is being appealed.

(a) "Date of filing" of a local government's approval or denial of a substantial development permit, or local government's denial of a variance or conditional use permit, is the date that the department actually receives a completed filing.

(b) "Date of filing" of a local government's approval of a conditional use permit or variance is the date that the department transmits its final decision or order to local government.

(c) For substantial development permits filed simultaneously with approvals of conditional use permits or variances, the "date of filing" is the date that the department transmits its final decision or order on the variance or conditional use permit to local government.

(5) "Department" refers to and means the department of ecology.

(6) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency, local government and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service.

(7) "Local government" means any county, incorporated city or town which contains within its boundaries any lands or water subject to chapter 90.58 RCW.

(8) "Party" means:

(a) A person to whom any local government or agency decision is specifically directed; or

(b) A person named as a party to the appeal, or allowed to intervene or joined as a party by the board.

(9) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

(10) "Petition for review" is a document that when properly filed with the board initiates an adjudicative proceeding before the board.

(11) "Presiding officer" means any member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or the vice-chairperson.

(12) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to a commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to a delivery service of the copies.

(d) Commercial delivery service. Service by commercial delivery service is regarded as complete upon delivery to the delivery company with charges prepaid.

### NEW SECTION

**WAC 461-08-310 Computation of time.** (1) In computing any period of time prescribed or allowed by these rules or applicable statute, the day of the act after which the designated period of time begins to run is not to be included. The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday

or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing with the board any petition for review, petition for rule making, petition for declaratory ruling or any other adjudication which this chapter authorizes.

## PART B

### BOARD ADMINISTRATION AND JURISDICTION

#### NEW SECTION

**WAC 461-08-315 Board membership, function and jurisdiction.** (1) **Members.** The board is made up of six members. Three members are also members of the pollution control hearings board and are appointed by the governor. A fourth member is appointed by the association of Washington cities and a fifth member is appointed by the association of county commissioners. The sixth member is the commissioner of public lands or the commissioner's designee.

(2) **Function and jurisdiction.** This board is a quasi-judicial body with powers of de novo review authorized by chapter 90.58 RCW to adjudicate or determine the following matters:

(a) Appeals from any person aggrieved by the granting, denying or rescinding of a permit issued or penalties incurred pursuant to chapter 90.58 RCW;

(b) Appeals of department rules, regulations or guidelines; and

(c) Appeals from department decisions to approve, reject or modify a proposed master program or program amendment of local governments which are not planning under RCW 36.70A.040.

(3) This section is intended to be general and informational only and failure herein to list matters over which the board has jurisdiction shall not constitute a waiver or withdrawal of that jurisdiction.

#### NEW SECTION

**WAC 461-08-320 Office hours, telephone number, telefacsimile number and address of the board.** (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the appeals board holds regular meetings at 9:00 a.m. on the second Monday of each month at the address set forth below.

(2) The board is organized within the Environmental Hearings Office, 4224 - 6th Avenue SE, Building No. 2 Rowe Six, Lacey, Washington. The mailing address is:

Shorelines Hearings Board  
4224 6th Avenue S.E., Building No. 2, Rowe Six  
PO Box 40903  
Lacey, WA 98504-0903

(3) The telephone number of the board is (360) 459-6327. The telefacsimile number is (360) 438-7699.

(4) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

#### NEW SECTION

**WAC 461-08-325 Public information about practice before the board and public records.** (1) Questions about board procedures may be directed to the environmental hearings office by mail or, during regular office hours, by telephone or by telefacsimile.

(2) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-12 WAC are available for public inspection and copying during regular office hours at the environmental hearings office. The form for requests for public records is set forth in WAC 198-12-140. Any person seeking to make copies of such public records may copy the documents at the environmental hearings office for a reasonable charge per page.

#### NEW SECTION

**WAC 461-08-330 Board decision making on appeals.** The number of board members required to make a decision on a case differs depending on the type of case.

(1) **Short-board appeals.** Pursuant to RCW 90.58.170, petitions for review that involve a single-family residence or an appurtenance to a single-family residence, including a dock or pier for a single-family residence, may be heard by a panel of three board members, at least one and not more than two of whom shall also be members of the pollution control hearings board. Two members of the panel must agree to issue a final decision. The decision of the panel shall be the final decision of the full board.

(2) **Full-board appeals.** All other appeals are full-board appeals. Four members of the board shall constitute a quorum for making a decision and may act even if the other two members are unavailable or have not yet been appointed.

(3) **Administrative appeals judges.** For both full-board and short-board cases, the chairperson may appoint an administrative appeals judge from the environmental hearings office to be the presiding officer.

## PART C

### FILING AN APPEAL WITH THE BOARD AND SERVICE

#### NEW SECTION

**WAC 461-08-335 Types of petitions before the board.** The board is empowered to hear and decide the following:

(1) Petitions for review of permitting decisions;

(2) Petitions for review of penalties imposed under chapter 90.58 RCW;

(3) Petitions for review of master programs adopted by jurisdictions that are not subject to the Growth Management Act;

(4) Petitions for review of regulations adopted by the department pursuant to chapter 90.58 RCW;

(5) Petitions for declaratory rulings;

- (6) Petitions for rule making by the board; and  
 (7) Petitions by the department for rescission of permits issued by local government.

#### NEW SECTION

**WAC 461-08-340 Where to file a petition for review and number of copies.** (1) An adjudicative proceeding before the board shall be begun by filing a petition for review and one copy at the environmental hearings office. The board shall acknowledge filing of the petition for review by a stamp and the board's stamp on the petition shall be prima facie evidence of the date of filing. The board may thereafter require that additional copies be filed.

(2) **Deadlines for filing a petition for review.** There are different deadlines for filing a petition for review depending upon the type of decision or government action being appealed.

(a) A petition for review by any person aggrieved by the granting, denying or rescinding of a permit on shorelines of the state shall be filed with the board within twenty-one days of the "date of filing" as defined in WAC 461-08-305.

(b) A petition for review by any person aggrieved by a penalty assessment shall be filed with the board within thirty days of the date the penalty notice is received.

(c) A petition for review by any person aggrieved by the department's decision to approve, reject or modify a proposed or final shoreline master program, or program amendment, by a local government that is not planning under the Growth Management Act, RCW 36.70A.300, shall be filed with the board within thirty days of the date of the department's written notice of its decision to the local government.

(d) A petition for review by any person aggrieved by any rules, regulations or guidelines adopted or approved by the department pursuant to chapter 90.58 RCW, shall be filed with the board within thirty days of the date of adoption or approval.

#### NEW SECTION

**WAC 461-08-345 Deadline for filing petition for review of permitting decisions by the department or attorney general.** The department or the attorney general may, pursuant to RCW 90.58.180(2), obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition for review with the board and the appropriate local government within twenty-one days from the date the final decision was filed as provided in RCW 90.58.140(6).

#### NEW SECTION

**WAC 461-08-350 Contents of the petition for review.** Petitions for review to the board pursuant to RCW 90.58.180 (1) and (2) shall contain:

(1) The name, mailing address, telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency and/or the local

government whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the application for a shoreline permit which was filed with the local government pursuant to RCW 90.58.140;

(4) A copy of the decision or permit appealed from;

(5) A short and plain statement showing the grounds upon which the appealing party considers such decision or permit to be unjust or unlawful;

(6) A clear and concise statement upon which the appealing party relies to sustain his or her grounds for appeal;

(7) The relief sought, including the specific nature and extent;

(8) The signature of the representative of the appealing party or of the appealing party. The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the petition and that it is consistent with civil rule 11;

(9) All pleadings shall be so construed as to do substantial justice.

#### NEW SECTION

**WAC 461-08-355 Service of petitions for review with department and attorney general—Intervention by the department and attorney general.** (1) For petitions pertaining to a local government's final decision on a permit, the petitioner shall file one copy of the petition with the department and one copy with the office of the attorney general within seven days of the date that the petition was filed with the board.

(2) Within fifteen days of the date of receipt of the petition for review described in subsection (1) of this section, the department or the attorney general may intervene in the case before the board to protect the public interest and to insure compliance with chapter 90.58 RCW. Nothing in WAC 461-08-345, setting a twenty-one day limit on when the department or the attorney general can directly file a petition for review, limits the right of the department or attorney general to intervene under this section in a board proceeding.

#### NEW SECTION

**WAC 461-08-360 Service of the petition for review on local government and other parties.** (1) A copy of the petition for review, and all other papers required to be served under this chapter, shall be served upon the chief legal officer of the local government unless the local government has filed a written request with the board that such service be on some other person.

(2) When the petitioner is not the permit applicant, the petitioner shall serve the permit applicant with a copy of the petition for review.

#### NEW SECTION

**WAC 461-08-365 Board decision making on petitions for review of department rules and regulations.** (1) Where a petition for review of a department rule or regulation adopted pursuant to chapter 90.58 RCW is filed, the full board shall hold a hearing on the petition, and within sixty

days of the final day of hearing, shall issue a decision upholding the validity of the rule, regulation or guideline, unless the board finds that the rule, regulation or guideline:

(a) Is clearly erroneous in light of the policy of this chapter;

(b) Constitutes an implementation of chapter 90.58 RCW in violation of the Constitution or statutes;

(c) Is arbitrary and capricious;

(d) Was developed without full consideration and evaluation of all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(2) Where the board decides that the rule, regulation or guideline is invalid under subsection (1)(a) through (e) of this section, the board shall enter a decision stating the reasons for its determination and remanding the rule, regulation or guideline to the department in accordance with RCW 90.58.180(6).

#### NEW SECTION

**WAC 461-08-370 Board decision making on petitions for declaratory ruling.** (1) **Right to petition for declaratory ruling.** As prescribed by RCW 34.05.240, any interested person may petition the board at any time for a declaratory ruling.

(2) **Quorum.** Four members of the board shall constitute a quorum when the board acts on declaratory judgment petitions. Four members of the board may act although two positions on the board are vacant.

#### NEW SECTION

**WAC 461-08-375 Board decision making on petitions for rule making.** (1) **Right to petition for rule making regarding rules of the board.** As prescribed by RCW 34.05.330, any person may petition the board to promulgate, amend or rescind the board's administrative rules as set forth in this chapter. The provisions of these rules and the Administrative Procedure Act shall apply to petitions for rule making.

(2) **Quorum.** Four members of the board shall constitute a quorum when the board promulgates, amends or rescinds its administrative rules. Four members of the board may act although two board positions are vacant.

#### NEW SECTION

**WAC 461-08-380 Board decision making on department of ecology petitions for rescission of permits.** (1) **Department authority to petition.** The department may petition for the rescission of permits issued by local government pursuant to RCW 90.58.140(8).

(2) **Form of the petition.** A petition for rescission shall comply with the following requirements:

(a) The petition shall contain a copy of the written notice provided to the local government and the permittee involved;

(b) The petition shall be filed with the board within fifteen days of the termination of the thirty-day notice to local government and the permittee as provided by RCW 90.58.140(8).

(c) At the time of filing the petition with the board, the department shall give written notice of such petition to the local government and the permittee involved.

### **PART D APPEARANCE AND PRACTICE BEFORE THE BOARD**

#### NEW SECTION

**WAC 461-08-385 Persons who may appear before the board.** (1) Any person has the right to represent himself or herself in a proceeding before the board.

(2) The only persons who are qualified to represent another person or entity before the board are the following:

(a) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.

(b) An authorized officer, partner, owner, employee or member of an association, partnership, corporation, organization, government agency or local government.

(c) Legal interns admitted to practice under the applicable admission to practice rules of the Washington state court rules as long as the conditions and limitations of the applicable rules are satisfied.

(d) Any other individual designated by an entity to serve as a spokesperson in a case with the approval of the board's presiding officer.

(3) No former employee of the department or member of the attorney general's staff may appear in a representative capacity on behalf of other parties in a formal proceeding in which an active part as a representative of the department was taken in the same case or proceeding, at any time after leaving the employment of the department or the attorney general, except when permitted by applicable state conflict of interest laws.

(4) No former member of the board shall, for a period of one year after the termination of his or her membership, represent a party before the board on any matter.

#### NEW SECTION

**WAC 461-08-390 Appearance by representative.** (1) An attorney or authorized representative as defined in WAC 461-08-385 may appear for a party by either of the following actions:

(a) Filing a written notice of appearance, a petition for review or another pleading containing the name of the party to be represented, and the name, address and telephone number of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address and telephone number of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Where a petition for review has been filed with the board by the department or attorney general, the attorney general shall, unless the department or attorney general notifies the board otherwise, be deemed to have entered an appearance for the department, and the attorney general shall

be exempt from the requirement of filing and serving a written notice of appearance.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party.

(5) After a representative appears on behalf of a party, and gives notice to all other parties to the appeal, all future pleadings and correspondence shall be served upon that representative. Service upon the representative shall constitute service upon the party.

#### NEW SECTION

**WAC 461-08-395 Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately so notify the board and all parties of record in writing, or shall state such withdrawal for the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

#### NEW SECTION

**WAC 461-08-400 Conduct before the board by representatives.** All persons who are representing parties before the board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington even if the representative is not an attorney. Representatives who, in the opinion of the presiding officer, violate those ethical standards may be reprimanded or sanctioned. Sanctions may include, among other measures, the imposition of costs and the exclusion of the representative from the proceedings. The board may, after notifying the representative and holding a hearing, take appropriate disciplinary action including, but not limited to, barring such person from representing another party in any future board proceedings.

#### NEW SECTION

**WAC 461-08-405 Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

#### NEW SECTION

**WAC 461-08-410 Presiding officer duties and powers.** It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

(1) To administer oaths and affirmations.

(2) To issue subpoenas and protective orders as provided in the Administrative Procedure Act.

(3) To rule on all procedural matters, objections and motions.

(4) To rule on all offers of proof and receive relevant evidence.

(5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary for a fair and adequate decision.

(6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to decide the matter fairly and equitably.

(7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board.

(8) To issue orders joining other parties, on motion of any party, or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings.

(9) To consolidate matters for hearing when such consolidation will expedite disposition of the matters and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby.

(10) To hold prehearing and settlement conferences.

(11) To permit and regulate the taking of discovery.

(12) To regulate the course of the hearing.

(13) To dismiss a petition for review or take other appropriate disciplinary actions, where a party or representative fails to appear at a prehearing conference, hearing or at any other stage of the appeal proceeding.

(14) To take any other action necessary and authorized by these rules and the law.

#### NEW SECTION

**WAC 461-08-415 Mediation.** The board may, on occasion, recommend that the parties to an appeal engage in mediation. One or more parties may also recommend to the other parties or the presiding officer that a mediation occur. Subject to availability, an administrative appeals judge from the environmental hearings office may serve as the mediator for the board. In the event that the mediation proves unsuccessful and the case proceeds to hearing, any administrative appeals judge who served as a mediator will neither preside over the hearing nor have any contact with the board members regarding the case other than to inform them that the mediation did not result in a settlement.

#### NEW SECTION

**WAC 461-08-420 Subpoenas.** (1) **Issuance.** Subpoenas may be issued by any member of the board, the presiding officer assigned to the case or by the attorney of record, as provided in the Administrative Procedure Act. Each subpoena shall be subscribed with the signature of the issuing person. Parties desiring subpoenas to be signed by the presiding officer or a board member shall make a showing of general relevance and reasonable scope of the testimony or evidence sought, shall prepare the subpoenas for issuance, shall send them to the board's office for signature, and, upon return, shall make arrangements for service.

(2) **Form.** Every subpoena shall name the shorelines hearings board and the title of the proceedings, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

(3) **Service.** Service of subpoenas to a witness who is not party to the case shall be made by personally serving a copy of the subpoena to such person, in accordance with civil rule 45, and tendering on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. All costs shall be paid by the party seeking the attendance of the witness.

(4) **Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgment of service with the board or presiding officer of the case. Failure to make proof of service does not affect the validity of the service.

(5) **Quashing.** Upon motion made promptly (at or before the time specified in the subpoena for compliance) by the person subpoenaed and upon notice to the party for whom the subpoena was issued, the board or its presiding officer may:

(a) Quash; or

(b) Modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(c) Condition denial of the motion upon just and reasonable conditions.

(6) **Geographical scope.** Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

## PART E PREHEARING PRACTICE

### NEW SECTION

**WAC 461-08-425 Dismissal of petitions for review on jurisdictional grounds.** (1) Timely filing of the petition for review, and other petitions within the board's jurisdiction under chapter 90.58 RCW, is required for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear a petition for review on jurisdictional grounds, and the board may independently raise the jurisdictional issue. The board may, when satisfied that it does not have jurisdiction, dismiss the petition for review.

### NEW SECTION

**WAC 461-08-430 Correction or amendment of notice.** (1) Within thirty days of receipt by the board, if any petition for review is found to be defective or insufficient, the board may require the party filing the petition for review to correct, clarify or amend the same to conform to the requirements of chapter 90.58 RCW and the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirements, or may issue an appropriate order which may include providing for dismissal of the petition upon failure to comply within a specified time.

(2) Other amendments and supplemental pleadings shall conform to civil rule 15.

### NEW SECTION

**WAC 461-08-435 Intervention.** (1) The department and the attorney general may intervene by right within fifteen days from the date of receipt of the petition for review by the department or the attorney general pursuant to RCW 90.58.180(1) in any matter set out therein, and if such intervention is sought it shall be granted.

(2) The presiding officer may grant a petition for intervention by any person at any time, upon determining that the petitioner qualifies as an intervenor pursuant to civil rule 24, that the intervention will serve the interests of justice and that the prompt and orderly conduct of the appeal will not be impaired.

(3) The presiding officer may impose conditions upon the intervenor's participation in the proceedings.

### NEW SECTION

**WAC 461-08-440 Joinder of parties.** The presiding officer shall order the joinder of the permittee, permitting agency or any other interested person or entity in accordance with civil rule 19. The presiding officer may also permit the joinder of persons who are not necessary to the determination of the appeal in accordance with civil rule 20.

### NEW SECTION

**WAC 461-08-445 Answers to petitions for review.** Respondent(s) may file an answer to a petition for review with the board and serve a copy thereof upon other parties within twenty days of receipt of the petition for review. Answers shall generally conform to the requirements of a petition for review.

### NEW SECTION

**WAC 461-08-450 Prehearing scheduling letters.** (1) Upon receipt of a petition for review which complies with the requirements of these regulations, the board shall promptly mail to each party a scheduling letter which sets the time and location of the hearing.

(2) In cases where the presiding officer does not order a prehearing conference, the letter setting the hearing date and time will be mailed at least seven days before the hearing date. The letter may also set the schedule for filing motions and prehearing briefs, and will notify the parties that an interpreter can be made available, upon reasonable notice to the board, for a witness or party who does not speak English or is hearing-impaired. The scheduling letter will control the subsequent proceedings, unless modified for good cause by the presiding officer.

(3) In cases where the presiding officer decides to hold a prehearing conference, the scheduling letter will also notify the parties of the time and location of the prehearing conference. The scheduling letter will be mailed at least seven days before the prehearing conference.

### NEW SECTION

**WAC 461-08-455 Prehearing conferences.** (1) The purpose of a prehearing conference shall be:

(a) To determine the feasibility of a settlement of the appeal or, failing settlement;

(b) To prepare the case for hearing by scheduling prehearing deadlines and by identifying the issues, and if possible, witnesses, exhibits, stipulations, and admissions.

(2) Appearance by a party or by the party's representative at a prehearing conference is mandatory. If a party fails to attend a prehearing conference, that is not justified by good cause, the presiding officer may issue an order of default against the absent party or other appropriate action.

#### NEW SECTION

**WAC 461-08-460 Prehearing orders.** After a prehearing conference which has not resulted in settlement, the presiding officer shall enter a prehearing order. Normally, this will include a statement of issues, a schedule for filing motions and briefs, and lists of witnesses and exhibits or provide for filing such lists, as well as other matters which may bear on the preparation for hearing. The issues stated in the prehearing order shall control the subsequent course of the proceedings, unless modified for good cause by subsequent order.

#### NEW SECTION

**WAC 461-08-465 Settlement and mediation agreements.** (1) Where the parties settle an appeal before hearing, the parties shall prepare a written order of dismissal to which the settlement agreement is attached, and submit that order to the board. If the agreement is in accordance with the law, the board shall enter the order and dispose of the case.

(2) This section also pertains to settlement agreements reached after mediation.

#### NEW SECTION

**WAC 461-08-470 Use of telephone conferences, motion hearings and hearings.** Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone conference call to promote the fair, speedy and economical processing of a matter. If the presiding officer grants the party's request for a telephone conference, the requesting party shall initiate and pay for the conference call.

#### NEW SECTION

**WAC 461-08-475 Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Each written motion shall have appended to it the order which the motion seeks.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions.

Where any party requests a motion hearing, that party shall procure from the hearing coordinator an available date for the motion hearing and prepare a note that sets the time, date and location of the motion hearing. The moving party shall note the motion for hearing on a date deemed by the hearing coordinator to be available for that purpose. The motion, order and note for motion hearing shall then be filed and served. Where the hearing coordinator specifies that the hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call. The presiding officer will decide whether or not a motion hearing will be held, and notify the parties accordingly.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion shall be filed and served ten days from the date the motion is received. The moving party shall then have seven days from receipt of the response to file and serve a reply.

(b) In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.

(c) All dispositive motions shall be filed and served not later than forty-five days before the hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

#### NEW SECTION

**WAC 461-08-480 Postponements and continuances of hearings.** (1) Postponement or continuance of a hearing is within the discretion of the presiding officer, whether contested or uncontested by the parties. The board may postpone or continue a hearing on its own motion.

(2) The postponement or continuance of a hearing shall be sought by written motion and according to the procedure set forth in WAC 461-08-144.

#### NEW SECTION

**WAC 461-08-485 Dismissal, default or withdrawal of appeal.** (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before the appellant rests its case-in-chief during the hearing are mandatory and afterwards are permissive.

## PART F HEARINGS

### NEW SECTION

**WAC 461-08-490 Hearing briefs.** Hearing briefs, if filed, should be submitted to the board at least seven days before the time of hearing or other such time as the board may prescribe. For a full-board case, an original and six copies must be filed. In a short-board case, an original and three copies must be filed. In all cases where briefs are filed, a copy shall also be served on the other parties or their attorneys. The board may permit or require the filing of additional briefs.

### NEW SECTION

**WAC 461-08-495 Procedures at hearings. (1) Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Testimony under oath.** Oaths shall be administered by the presiding officer or other officer with authority to administer oaths. All testimony to be considered by the board shall be sworn or affirmed.

(3) **Recording.**

(a) An official recording of all evidentiary hearings shall be made by manual, electronic, or other type of recording device.

(b) Unofficial use of photographic and recording equipment is permitted at hearings; however, the presiding officer shall be consulted first and may impose conditions on their use as necessary to prevent disruption of the hearing.

(4) **Order of presentation of evidence.**

(a) The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce its evidence.

(b) The opposing party shall introduce its evidence after the appellant has rested. Rebuttal and surrebuttal evidence will be received only at the discretion of the presiding officer.

(c) Witnesses may be called out of turn in contravention of this rule by agreement of all parties.

(5) **Opening statements.** Unless the presiding officer rules otherwise, parties shall present an oral opening statement setting out briefly a statement of the basic facts, disputes and issues of the case.

(6) **Written statement of qualifications of expert witnesses.** Any party who plans to introduce the testimony of any expert witness at the hearing shall submit as an exhibit to the board and all parties at the hearing a written statement of the qualifications, experience, and expertise of each such expert witness.

(7) **Former employee as an expert witness.** No former employee of the department or the board or the attorney general shall at any time after leaving the employment with the department appear, except when permitted by applicable state conflict of interest law, as an expert witness on behalf of other parties in a formal proceeding in which an active part in the investigation as a representative of the department or board was taken.

(8) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon, and the transcript shall not include extended argument or debate.

(9) **Rulings.** The presiding officer, on objection or independently, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 461-08-515 through 461-08-535.

### NEW SECTION

**WAC 461-08-500 Scope of review and burden of proof. (1) Hearings upon petitions for review shall be quasi-judicial in nature and shall be conducted *de novo* unless otherwise required by law. However, the board shall conduct the following types of hearings on the record compiled by the department:**

(a) Petitions for review of department decisions to adopt or approve rules, regulations or guidelines pursuant to chapter 90.58 RCW; and

(b) Petitions for review to approve, reject or modify a proposed master program or master program amendment.

(2) Persons requesting review pursuant to RCW 90.58.180 (1) and (2) shall have the burden of proof in the matter.

### NEW SECTION

**WAC 461-08-505 Standard of review. (1) In deciding upon a petition for review brought pursuant to RCW 90.58.180 (1) and (2) the board shall make its decision considering the following standards:**

(a) Consistency with the requirements of chapter 43.21C RCW, the State Environmental Policy Act.

(b) From June 1, 1971, until such time as an applicable master program has become effective, whether the action of the local government unit is consistent with:

(i) The policy of RCW 90.58.020; and

(ii) The guidelines and regulations of the department; and

(iii) So far as can be ascertained the master program being developed for the area.

(c) After adoption or approval, as appropriate, by the department of an applicable master program, whether the action of the local government is consistent with the applicable master program and the provisions of chapter 90.58 RCW, and the department's implementing regulations.

(2) Evidence that is material and relevant to determination of the matter consistent with the standards set out in subsection (1) of this section, subject to these rules, shall be admitted into the record whether or not such evidence had been submitted to the local government unit.

### NEW SECTION

**WAC 461-08-510 Provision of interpreters and of reasonable accommodations to individuals with special needs. (1) Whenever any person involved in an adjudicative proceeding before the board is eligible for an interpreter, as that eligibility is defined in WAC 10-08-150, or qualifies for reasonable accommodations as an individual with disabilities, that person shall request an interpreter or other reasonable**

accommodations from the presiding officer not later than three weeks before the date of the hearing, conference or other situation for which the interpreter or assistance is needed. The board shall comply with WAC 10-08-150 and 10-08-160(2) regarding the provision of interpreters.

(2) Information about proceedings before the board is available in alternate format upon request.

#### NEW SECTION

**WAC 461-08-515 Rules of evidence—Admissibility criteria.** (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior courts of the state of Washington.

(2) The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state.

#### NEW SECTION

**WAC 461-08-520 Rules of evidence—Official notice—Matters of law.** The board and its hearing officers, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the *Federal Register*.

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

#### NEW SECTION

**WAC 461-08-525 Rules of evidence—Official notice—Material facts.** (1) In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, or in a proposed decision, may officially notice:

(a) **Board proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any

proceeding then pending before or theretofore concluded by the board;

(b) **Business customs.** General customs and practices followed in the transaction of business;

(c) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(d) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

(2) **Request or suggestion.** Any party may request, or the presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(3) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(4) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(5) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

#### NEW SECTION

**WAC 461-08-530 Presentation of additional evidence by presiding officer.** The presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by the presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party

desires to present rebuttal evidence to any evidence so presented by the presiding officer, application shall be made therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

#### NEW SECTION

**WAC 461-08-535 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

### PART G

#### DECISIONS BY THE BOARD AFTER HEARING

#### NEW SECTION

**WAC 461-08-540 Contents of the record.** The record before the board in any adjudicative proceeding shall consist of the decision or order appealed from, the petition for review therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, stipulations or requests duly filed by any party and written reports or orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, the transcript of testimony as provided in WAC 461-08-545, and other proceedings at the hearing, together with all exhibits admitted. No part of the local government's record or other documents shall be made part of the record of the board unless admitted in evidence.

#### NEW SECTION

**WAC 461-08-545 Preparation of transcripts.** (1) The board, in its discretion, may at any time cause a transcript to be printed, but will not normally do so.

(2) When the board does not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to order the same from the board reporter and assume the printing costs.

#### NEW SECTION

**WAC 461-08-550 Preparation of findings, conclusions and orders.** Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel and the same be based upon the board's oral or memorandum opinion. The board or presiding officer may adopt, in whole or in part, the findings, conclusions and orders or the board may prepare its own findings, conclusions and orders.

#### NEW SECTION

**WAC 461-08-555 Final decisions and orders.** (1) **Full-board cases.** When the hearing on the petition for review has been heard by a majority of the board in a full-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: *Provided*, That in the event that the full board considers the record and that four of the members cannot agree on a decision, the substantive decision of the local government will control. The board will formally adopt its final decision and order.

(2) **Short-board cases.** When the hearing on the petition for review has been heard by two or more board members in a short-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: *Provided*, That in the event that the three board members consider the record and two members cannot agree on a decision, the substantive decision of the local government will control. The board will formally adopt its final decision and order.

(3) Copies of the final decision and order shall be mailed by the board to each party to the petition for review or to the attorney or representative of record, if any. Service upon the representative shall constitute service upon the party.

#### NEW SECTION

**WAC 461-08-560 Deadline for final decisions on petitions for review of permitting decisions, waivers and extensions.** (1) The board shall issue a final decision on appeals of permitting decisions pursuant to RCW 90.58.180 (1) and (2) within one hundred eighty days of the date of filing with the board of the petition for review or the petition to intervene, whichever is later.

(2) The parties may agree to waive the one hundred eighty-day deadline.

(3) The board may, on its own motion, extend the deadline for thirty days after determining that good cause exists for the extension.

#### NEW SECTION

**WAC 461-08-565 Petitions for reconsideration.** (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days of mailing of the final decision. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) Copies of the final decision and order and of the board's disposition of any petition for reconsideration shall be mailed by the board to each party to the appeal or to the attorney or representative of record. Service on the representative shall constitute service on the party.

## PART H APPEALS FROM BOARD DECISIONS

### NEW SECTION

**WAC 461-08-570 Petitions for judicial review to superior court.** All appeals from orders of the board shall be to a superior court, unless the superior court certifies the order for direct review to the court of appeals or the court of appeals accepts a certificate of appealability issued by the board. In cases of appeal to superior court, and cases where certification to the court of appeals is sought, the appealing party shall file with the board and all parties of record a copy of the petition for judicial review to the superior court.

### NEW SECTION

**WAC 461-08-575 Direct review to the court of appeals based upon an accepted certificate of appealability by the board.** (1) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and must serve the board and all parties of record. The application for direct review shall request the board to file a certificate of appealability.

(2) If the board's jurisdiction is among the issues on review to the superior court, the board may, on its own motion, file an application for direct review with the superior court on the jurisdictional issue.

(3) From the date the board is served a copy of the application for direct review under subsection (1) of this section, the board shall have thirty days to grant or deny the request for a certificate of appealability. The board shall file its decision granting or denying the certificate of appealability with the superior court and serve the parties of record.

(4) The board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest, and either of the following:

(a) Fundamental and urgent state-wide or regional issues are raised; or

(b) The proceeding is likely to have significant precedential value.

(5) The board shall state in the certificate of appealability, or in its decision denying the certificate, which criteria set forth in subsection (4) of this section it applied and how those criteria were or were not met.

(6) Where the board issues a certificate of appealability, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court. The notice shall include a copy of both the certificate of appealability and the final decision.

(7) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(8) If the certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

### NEW SECTION

**WAC 461-08-580 Certification of record.** Within thirty days of receipt of a copy of the petition for judicial review to the superior court or notice of acceptance of the certificate of appealability by the court of appeals, the board shall certify and transmit to the reviewing court the record made before the board. Additional time for certification and transmission of the record may be allowed by the reviewing court. Normally the record will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party seeking judicial review.

## PART I APPLICABILITY OF SEPA

### NEW SECTION

**WAC 461-08-585 Applicability of SEPA guidelines.** The board has reviewed its authorized activities pursuant to the SEPA rules and has found them all to be exempt from that chapter.

### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 461-08-001	Board administration and address of the board.
WAC 461-08-005	Chapter applicable.
WAC 461-08-010	Prehearing procedures.
WAC 461-08-015	Definitions.
WAC 461-08-020	Appearance and practice before the board—Persons who may and may not appear.
WAC 461-08-025	Appearance and practice before the board—Local government unit—Service of papers.
WAC 461-08-030	Appearance and practice before the board—Appearance by representative.
WAC 461-08-035	Appearance and practice before the board—No formal admission to practice.
WAC 461-08-040	Appearance and practice before the board—Withdrawal or substitution of representatives.
WAC 461-08-045	Appearance and practice before the board—Conduct.
WAC 461-08-047	Appearance and practice before the board—Parties not represented by legal counsel—

PROPOSED

WAC 461-08-050	Waiver of rules to prevent manifest injustice.	WAC 461-08-167	Dismissal or default.
WAC 461-08-053	Presiding officer duties and powers.	WAC 461-08-170	Hearings—Procedures at hearings.
WAC 461-08-055	Subpoenas.	WAC 461-08-174	Hearings—Scope of review.
WAC 461-08-060	Requests for review to the board—Contents of the request for review.	WAC 461-08-175	Hearings—Standard of review.
WAC 461-08-065	Requests for review to the board—Filing—Copy.	WAC 461-08-180	Rules of evidence—Admissibility criteria.
WAC 461-08-070	Requests for review to the board—Filing with department and attorney general.	WAC 461-08-185	Rules of evidence—Official notice—Matters of law.
WAC 461-08-075	Requests for review to the board—Time for filing.	WAC 461-08-190	Rules of evidence—Official notice—Material facts.
WAC 461-08-080	Requests for review to the board—Dismissal of request for review on jurisdictional grounds.	WAC 461-08-195	Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
WAC 461-08-085	Requests for review to the board—Granting the review.	WAC 461-08-205	Disposition of contested cases—Definition.
WAC 461-08-085	Requests for review to the board—Cross appeals and intervention.	WAC 461-08-210	Disposition of contested cases—Record.
WAC 461-08-090	Requests for review to the board—Correction or amendment of notice.	WAC 461-08-215	Disposition of contested cases—Transcripts.
WAC 461-08-093	Requests for review to the board—Responsive pleadings.	WAC 461-08-220	Disposition of contested cases—Decisions and orders.
WAC 461-08-095	Conferences—Two types.	WAC 461-08-221	Disposition of contested cases—Presentation of additional evidence.
WAC 461-08-100	Informal conference—Purpose.	WAC 461-08-225	Disposition of contested cases—Exceptions, reply.
WAC 461-08-105	Informal conference—When held.	WAC 461-08-230	Disposition of contested cases—Finality of proposed decisions and orders.
WAC 461-08-110	Informal conference—Agreements at informal conferences.	WAC 461-08-235	Dispositions of contested cases—Final decisions and orders following proposed orders.
WAC 461-08-115	Prehearing conference—Purpose.	WAC 461-08-237	Disposition of contested cases—Preparation of findings, conclusions and orders.
WAC 461-08-120	Prehearing conference—When held.	WAC 461-08-240	Appeals to the courts—Notice of appeal.
WAC 461-08-125	Prehearing conference—Documentary evidence.	WAC 461-08-245	Appeals to the courts—Certification of record.
WAC 461-08-130	Prehearing conference—Excerpts from documentary evidence.	WAC 461-08-250	Computation of time.
WAC 461-08-135	Prehearing conference—Failure to supply prehearing information.	WAC 461-08-255	Petitions for declaratory ruling.
WAC 461-08-140	Prehearing conference—Agreements at prehearing conferences.	WAC 461-08-260	Petitions for rule making.
WAC 461-08-143	Procedures—Telephone.	WAC 461-08-265	Petition by the department for rescission of permits.
WAC 461-08-144	Procedures—Motions.	WAC 461-08-270	Applicability of SEPA guidelines.
WAC 461-08-145	Hearings—Types of.		
WAC 461-08-150	Hearings—Scheduling of hearings.		
WAC 461-08-155	Hearings—Notice of hearing.		
WAC 461-08-156	Hearing—Primary and secondary setting.		
WAC 461-08-157	Hearings—Briefs.		
WAC 461-08-160	Hearings—Continuances and dismissals.		

**WSR 96-10-063**  
**PROPOSED RULES**  
**ENVIRONMENTAL HEARINGS OFFICE**  
(Pollution Control Hearings Board)  
[Filed April 30, 1996, 4:33 p.m.]

Original Notice.  
Exempt from preproposal statement of inquiry under RCW 34.05.310(4) (rules amending agency hearing procedures).  
Title of Rule: Pollution Control Hearings Board—Practice and procedure.

PROPOSED

Purpose: Sets forth rules governing practice and procedure for hearings conducted by the Pollution Control Hearings Board.

Statutory Authority for Adoption: RCW 43.21B.170.  
Statute Being Implemented: Chapter 43.21B RCW.

Summary: Reorganization of the procedural rules to make them easier to use. Amendment of rules to rescind rules which are no longer applicable due to board practice and statutory changes.

Reasons Supporting Proposal: Amendment of rules to reflect changes in board practice and to conform with statutory changes and court decisions.

Name of Agency Personnel Responsible for Drafting: Suzanne Skinner, Environmental Hearings Office, (360) 459-6327; Implementation and Enforcement: Richard C. Kelley, Environmental Hearings Office, (360) 459-6327.

Name of Proponent: Environmental Hearings Office, governmental.

Rule is necessary because of state court decision, (in part) *Stikes Wood v. Lacey*, 124 Wn.2d 459 (1994).

Explanation of Rule, its Purpose, and Anticipated Effects: Reduces confusion and improves understanding of the public by making the rules more user-friendly. Moreover, reduces confusion by bringing the rules in conformance with statutory changes and board practice.

Proposal Changes the Following Existing Rules: (1) Reorganizes rules to make simpler to use.

(2) Reflects statutory changes such as the repeal of ECPA, and deletion of informal hearing option from chapter 43.21B RCW.

(3) Clarifies board procedures.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Exempt under ESHB 1010 and section 401(2) which states the small business economic impact statement is not required for rules described in RCW 34.05.310(4). RCW 34.05.310 (4)(g)(ii) pertains to rules that adopt, amend or repeal procedural rules for agency hearings.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. These procedural rule change are not significant legislative rules of any of the agencies described in ESHB 1010 and section 201 (5)(a)(i) and as these are largely reorganizational changes dictated by statute and changes for clarity, the Environmental Hearings Office is not voluntarily making section 201 (5)(a) applicable to these rules.

Hearing Location: Environmental Hearings Office, 4224 6th Avenue S.E., Lacey, WA, on June 10, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Suzanne Skinner, (360) 459-6327.

Submit Written Comments to: Suzanne Skinner, FAX (360) 438-7699, by June 5, 1996.

Date of Intended Adoption: June 10, 1996.

April 29, 1996

Suzanne Skinner

Administrative Appeals Judge

## PART A GENERAL

### NEW SECTION

**WAC 371-08-300 Purpose of this chapter and applicability of the board's rules of practice and the civil rules of procedure and the rules of evidence.** (1) The purpose of chapter 371-08 WAC is to provide rules of practice before the pollution control hearings board (hereinafter "board"). The interpretation of these rules of practice may be guided, where relevant, by the civil rules of superior court (hereinafter "civil rules") and the rules of evidence for the superior courts of the state of Washington, as those rules have been construed by Washington state courts.

(2) Except where in conflict with the board's rules, Washington statutes regarding pretrial procedures, civil rules and rules of evidence shall be followed in proceedings before the board unless the presiding officer determines that the evidence, although in conflict with the rules of evidence, is admissible pursuant to WAC 371-08-500.

(3) This chapter shall govern practice before the board. The rules in this chapter are consistent with the model rules of procedure issued by the office of administrative hearings, chapter 10-08 WAC, except where specifically noted.

### NEW SECTION

**WAC 371-08-305 Definitions.** As used in this chapter the following terms shall have the following meaning:

(1) "Adjudicative proceeding" means a proceeding involving an opportunity for hearing before the board as defined in RCW 34.05.010. The term "adjudicative proceeding" is used interchangeably with the terms "case" and "appeal" in this chapter.

(2) "Agency" means any state governmental entity, air pollution control authority, local health department or other agency whose decisions are subject to the board's jurisdiction.

(3) "Board" means the pollution control hearings board, a quasi-judicial board created pursuant to chapter 43.21B RCW and described in WAC 371-08-315. Where appropriate, the term "board" also refers to the designated agents of the pollution control hearings board.

(4) "Department" refers to and means the department of ecology.

(5) "Filing" of a document means actual receipt by the board during regular office hours. Any document filed with the board shall contain an affirmation that copies were served on the appropriate agency and parties. Filing by facsimile is permitted of documents ten pages or less if the original document is concurrently mailed or submitted to a commercial delivery service.

(6) "Party" means:

(a) A person to whom any agency decision is specifically directed; or

(b) A person named as a party to the adjudicative proceeding, allowed to intervene or joined as a party by the board.

(7) "Person" means any individual, partnership, corporation, association, organization, governmental subdivision, agency or entity of any character.

(8) "Presiding officer" means a member of the board or an administrative appeals judge who is assigned to conduct a conference or hearing by the chairperson or vice-chairperson.

(9) "Service" of a document means delivery of the document to the other parties to the appeal. Service may be made in any of the following ways:

(a) Personally, in accordance with the laws of the state, with a return of service or affidavit of service completed.

(b) First-class, registered or certified mail. Service is complete upon deposit in the United States mail properly stamped and addressed.

(c) Facsimile transmission with mailing or submission to commercial delivery service of copies on the same day. Service by facsimile is regarded as complete by production of the confirmation of transmission and evidence of mailing or submission to delivery service of the copies.

(d) Commercial parcel delivery service. Service by commercial parcel delivery service is regarded as complete upon delivery to the parcel delivery company with charges prepaid.

#### NEW SECTION

**WAC 371-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, a Sunday, nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

### **PART B**

#### **BOARD ADMINISTRATION AND JURISDICTION**

#### NEW SECTION

**WAC 371-08-315 Membership, function and jurisdiction.** (1) **Members.** The board is composed of three members appointed by the governor, with the advice and consent of the senate, for a term of six years. The members are to be qualified by experience or training in pertinent matters pertaining to the environment, and at least one member shall be a lawyer, and not more than two members shall be of the same political party.

(2) **Function and jurisdiction.** The function of this board is to provide an expeditious and efficient disposition of appeals from the decisions and orders of the department of ecology, from the decisions of air pollution control authorities established pursuant to chapter 70.94 RCW, and from the decisions of local health departments, when such orders and decisions concern matters within the jurisdiction of the board as provided in RCW 43.21B.110:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.105.095, 70.107.050, 86.16.081, 88.46.090, 90.03.600, 90.48.144, 90.56.310, 90.56.320, 90.56.330 and 90.58.560.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.065, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 70.107.060, 88.46.070, 90.14.130, 90.14.190 and 90.48.120.

(c) The issuance, modification, termination or denial of any permit certificate or license by the department of ecology or any air pollution control authority.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits or of biosolid permits pursuant to chapter 70.95 RCW.

(e) Disputes between the department and the governing bodies of local governments regarding local planning requirements under RCW 70.105.220 and zone designation under RCW 70.105.225, pursuant to RCW 70.105.250.

(f) Any other decision by the department of ecology, the administrator of marine safety or an air pollution control authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(3) This section is intended to be general and informational only, and failure herein to list matters over which the board has jurisdiction at law shall not constitute any waiver or withdrawal whatsoever from such jurisdiction.

#### NEW SECTION

**WAC 371-08-320 Environmental hearings office hours, telephone number and address.** (1) The administrative business of the board, except rule making, is performed by the environmental hearings office. To the extent necessary for rule making, the board holds meetings at 10:00 a.m. on the second Monday of each month at the address set forth below.

(2) The board is housed at the Environmental Hearings Office, 4224 6th Avenue S.E., Building 2, Rowe Six, Lacey, Washington. The principal hearing room used by the board is located at the same address, although many hearings are held near the site of the dispute at issue.

(3) The mailing address of the board is:

Pollution Control Hearings Board  
4224 6th Avenue S.E., Building 2, Rowe Six  
PO Box 40903  
Lacey, WA 98504-0903

(4) The telephone number of the board is (360) 459-6327. The telefacsimile number is (360) 438-7699.

(5) The office hours of the environmental hearings office are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for legal holidays.

#### NEW SECTION

**WAC 371-08-325 Public information about practice before the board and public records.** (1) Questions about practicing before the board may be directed to the environmental hearings office by mail or, during regular office hours, by telephone or by telefacsimile.

(2) Case files of appeals pending before the board, past written opinions of the board and other public records maintained by the board under chapter 198-12 WAC are available for public inspection and copying during regular office hours at the environmental hearings office. The form for requests for public records is set forth in WAC 198-12-140. Any person seeking to make copies of such public

records may copy the documents at the environmental hearings office for a reasonable charge per page.

#### NEW SECTION

##### **WAC 371-08-330 Board decision making on appeals.**

The number of board members required to make a decision on a case differs depending on the type of case.

(1) **Short-board appeals.** Pursuant to RCW 43.21B.305, cases that involve an appeal of a civil penalty of five thousand dollars or less imposed by the department of ecology, another state agency or an air pollution control authority may be heard by a single member of the board. Such cases are called short-board appeals. The decision of that single member shall be the final decision of the entire board.

(2) **Full-board appeals.** All other types of appeals are called full-board appeals. The chairperson may assign a single member to hold the hearing in a full-board appeal; however, at least two members shall review the record and issue a decision. Two members of the board shall constitute a quorum for making a decision and may act although one position on the board is vacant or one board member is unavailable.

(3) **Administrative appeals judges.** For both full-board and short-board cases, the chairperson may appoint an administrative appeals judge from the environmental hearings office to be the presiding officer.

### **PART C FILING AN APPEAL WITH THE BOARD AND SERVICE**

#### NEW SECTION

**WAC 371-08-335 Filing a timely appeal with the board.** (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that the appealing party receives a copy of the order or decision. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated. In the event that the thirtieth day of the appeal period falls upon a Saturday, Sunday or legal holiday, that day is excluded from the computation of the appeal period and the final day to appeal becomes the next weekday that is not a Saturday, Sunday or legal holiday.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.

#### NEW SECTION

**WAC 371-08-340 Contents of notice of appeal.** The notice of appeal shall contain:

(1) The name, mailing address, telephone number and telefacsimile number (if available) of the appealing party, and of the representative, if any;

(2) Identification of the parties, by listing in the caption or otherwise. In every case, the agency whose decision is being appealed and the person to whom the decision is directed shall be named as parties;

(3) A copy of the order or decision appealed from, and if the order or decision followed an application, a copy of the application;

(4) A short and plain statement showing the grounds upon which the appealing party considers such order or decision to be unjust or unlawful;

(5) A clear and concise statement of facts upon which an appealing party relies to sustain his or her grounds for appeal.

(6) The relief sought, including the specific nature and extent;

(7) The signature of the representative of the appealing party or the appealing party. The signature of the representative or the appealing party shall constitute a certificate by the signatory that the signatory has read the notice of appeal and that it is consistent with civil rule 11;

(8) All pleadings shall be so construed as to do substantial justice.

#### NEW SECTION

**WAC 371-08-345 Service of the notice of appeal on the agency and other interested parties.** (1) Within thirty days of receiving a copy of the agency's order or decision, the appellant shall also serve a copy of the notice of appeal on the agency whose order or decision is being appealed. Proof of service may be made by certificate or affidavit filed with the board.

(2) A copy of the notice of appeal shall also be served on all other persons named as parties to the appeal. There is no time limit on when such service must be made.

#### NEW SECTION

**WAC 371-08-350 Service of documents on representatives.** Service of any document required to be served on a party to a case, including final decisions of the board, may be made by serving the party's representative in the matter.

#### NEW SECTION

**WAC 371-08-355 Petitions for declaratory ruling.** (1) As prescribed by RCW 34.05.240, any interested person may petition the board for a declaratory ruling. The board shall consider any petition for declaratory ruling in accordance with these rules and the Administrative Procedure Act.

(2) Two members of the board shall constitute a quorum when the board acts on a declaratory judgment petition. Two members of the board may act although one position on the board is vacant.

NEW SECTION

**WAC 371-08-360 Petitions for rule making.** (1) As prescribed by RCW 34.05.330, any person may petition the board to promulgate, amend or rescind the board's administrative rules, as set forth in this chapter. The provisions of these rules and the Administrative Procedure Act shall apply to petitions for rule making.

(2) Two members of the board shall constitute a quorum when the board promulgates, amends or rescinds its administrative rules. Two members of the board may act although one position on the board is vacant.

**PART D  
APPEARANCE AND PRACTICE BEFORE THE  
BOARD**

NEW SECTION

**WAC 371-08-365 Persons who may appear before the board.** (1) Any person has the right to represent himself or herself in a proceeding before the board.

(2) The only persons who are qualified to represent another person or entity before the board are the following:

(a) Attorneys at law duly qualified and entitled to practice before the highest court of record of any state.

(b) An authorized officer, partner, owner, employee or member of an association, partnership, corporation, organization, government subdivision or agency.

(c) Legal interns admitted to practice under the applicable admission to practice rules of the Washington state court rules as long as the conditions and limitations of the applicable rules are satisfied.

(d) Any other individual designated by an entity to serve as spokesperson in a case, with the approval of the board's presiding officer.

(3) No former employee of the department or member of the attorney general's staff may, at any time after leaving the employment of the department or the attorney general, appear, except when permitted by the applicable state conflict of interest laws, in a representative capacity on behalf of other parties in a formal proceeding in which an active part as a representative of the department was taken in the same case or proceeding.

(4) No former member of the board shall, for a period of one year after the termination of his or her membership, represent a party before the board on any matter.

NEW SECTION

**WAC 371-08-370 Procedure for representing a party before the board.** (1) An attorney or authorized representative as defined in WAC 371-08-365 may appear for a party by either of the following actions:

(a) Filing a notice of appeal, another pleading or a written notice of appearance containing the name of the party to be represented, and the name, address and telephone number of the representative; or

(b) Entering an appearance at the time and place of a conference or hearing on the appeal, and notifying the presiding officer conducting the same of the party to be represented and the name, address and telephone number of the representative.

(2) Copies of every written notice of appearance or pleading that identifies the representative shall be served by the representative on all other parties or their representatives of record at the time the original is filed with the board.

(3) Unless the department notifies the board otherwise, the attorney general shall, in all appeals from decisions and orders of the department and director, be deemed to have entered an appearance for the department, and shall be exempt from the requirements herein relating to the filing of written notices of appearance and to the furnishing of copies of same to other parties and their representatives.

(4) After a representative appears on behalf of a party, the board shall serve all future notices, orders and correspondence upon such representative. Service upon the representative shall constitute service upon the party.

(5) After a representative appears on behalf of a party, all other parties to the appeal shall serve all future pleadings and correspondence upon that representative. Service upon the representative shall constitute service upon the party.

NEW SECTION

**WAC 371-08-375 Withdrawal or substitution of representatives.** An attorney or other representative withdrawing from a case shall immediately so notify the board and all parties of record in writing, or shall state such withdrawal on the record at a conference or hearing. Any substitution of an attorney or representative shall be accomplished by written notification to the board and to all parties of record, together with the written consent of the prior attorney or representative, and if such consent cannot be obtained, a written statement of the reason therefor shall be supplied.

NEW SECTION

**WAC 371-08-380 Conduct before the board by representatives.** All persons who are representing parties before the board shall conform to the standards of ethical conduct required of attorneys before the courts of Washington even if the representative is not an attorney. Representatives who, in the opinion of the presiding officer, violate those ethical standards may be reprimanded or sanctioned as appropriate. Sanctions may include, among other measures, the imposition of costs and the exclusion of the representative from the proceedings. The board may, after notifying the representative and holding a hearing, take appropriate disciplinary action including, but not limited to, barring such person from representing any party in any future proceedings before the board.

NEW SECTION

**WAC 371-08-385 Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.** The presiding officer may waive any of these rules, other than a rule relating to jurisdiction, for any party not represented by legal counsel where necessary to avoid manifest injustice.

NEW SECTION

**WAC 371-08-390 Presiding officer—Powers and duties.** It shall be the duty of the presiding officer to conduct conferences or hearings in cases assigned in an impartial and orderly manner. The presiding officer shall have the authority, subject to the other provisions of these rules:

- (1) To administer oaths and affirmations;
- (2) To issue subpoenas and enter protective orders as provided in the Administrative Procedure Act;
- (3) To rule on all procedural matters, objections and motions;
- (4) To rule on all offers of proof and receive relevant evidence;
- (5) To question witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the appeal;
- (6) To secure and present in an impartial manner such evidence, in addition to that presented by the parties, as deemed necessary to fairly and equitably decide the appeal;
- (7) To take appropriate disciplinary action with respect to representatives of parties appearing before the board;
- (8) To issue orders joining other parties, on motion of any party or in the judgment of the presiding officer, when it appears that such other parties may have an interest in, or may be affected by, the proceedings;
- (9) To consolidate appeals for hearing when such consolidation will expedite disposition of the appeals and avoid duplication of testimony and when the rights of the parties will not be prejudiced thereby;
- (10) To hold prehearing conferences and settlement conferences;
- (11) To permit and regulate the taking of discovery;
- (12) To regulate the course of the hearing;
- (13) To dismiss an appeal or take other appropriate actions if a party or representative fails to appear at a prehearing conference, hearing or at any other stage of the appeal proceeding;
- (14) To take any other action necessary and authorized by these rules and the law.

NEW SECTION

**WAC 371-08-395 Mediation.** The board may on occasion recommend that the parties to an appeal engage in mediation. One or more parties may also recommend to the other parties or the presiding officer that a mediation occur. Subject to availability, an administrative appeals judge from the environmental hearings office may serve as the mediator for the board. In the event that the mediation proves unsuccessful and the appeal proceeds to hearing, any administrative appeals judge who served as a mediator will neither preside over the appeal hearing nor have any contact with the board members regarding the appeal other than to inform the board members that the mediation did not result in a settlement.

NEW SECTION

**WAC 371-08-400 Subpoenas.** (1) **Issuance.** Subpoenas may be issued by any member of the board, the presiding officer assigned to the case or an attorney of record, as provided in the Administrative Procedure Act. Each subpoena shall be subscribed with the signature of the issuing person. Parties desiring subpoenas to be signed by the presiding officer or a board member shall make a showing of general relevance and reasonable scope of the testimony or evidence sought, shall prepare the subpoenas for issuance, shall send them to the board's office for signature, and, upon return, shall make arrangements for service.

(2) **Form.** Every subpoena shall name the pollution control hearings board and the title of the proceedings, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place.

(3) **Service.** Service of subpoenas to a witness who is not a party to the case shall be made by personally serving a copy of the subpoena to such person, in accordance with civil rule 45, and tendering on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law. All costs shall be paid by the party seeking the attendance of the witness.

(4) **Proof of service.** The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgment of service with the board or presiding officer of the case. Failure to make proof of service does not affect the validity of the service.

(5) **Quashing.** Upon motion made promptly (at or before the time specified in the subpoena for compliance) by the person subpoenaed and upon notice to the party for whom the subpoena was issued, the presiding officer may:

- (a) Quash; or
- (b) Modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or
- (c) Condition denial of the motion upon just and reasonable conditions.

(6) **Geographical scope.** Attendance of witnesses and production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

## PART E PREHEARING PRACTICE

NEW SECTION

**WAC 371-08-405 Jurisdictional requirements of the board—Dismissal on jurisdictional grounds.** (1) Timely filing of the notice of appeal with the board and timely service of the notice of appeal on the appropriate agency must both be accomplished for the board to acquire jurisdiction.

(2) Any party may challenge the jurisdiction of the board to hear an appeal, and the board may independently raise the jurisdictional issue. The board shall, when satisfied that it does not have jurisdiction, dismiss an appeal.

NEW SECTION

**WAC 371-08-410 Correction or amendment of notice.** (1) If any notice of appeal is found to be defective or insufficient, the board may require the party filing said notice of appeal to correct, clarify or amend the same to conform to the requirements of the board's rules. The board may refuse to schedule any conference or hearing thereon until compliance with such requirements, or may issue an appropriate order which may include providing for dismissal of such appeal upon failure to comply within a specified time.

(2) Other amendments and supplemental pleadings shall conform to civil rule 15.

NEW SECTION

**WAC 371-08-415 Stays.** (1) A person appealing an order not stayed by the issuing agency may obtain a stay of the effectiveness of that order only as set forth in this section.

(2) An appealing party may request a stay by including such a request in the notice of appeal or in a subsequent motion. The request must be accompanied by a statement of grounds for the stay and evidence setting forth the factual basis upon which the request is based.

(3) Upon receipt of a request for a stay, the board will confer with the parties regarding its disposition. If necessary, a hearing on the motion will be held. If it appears that a hearing on the merits and issues of the case should be consolidated with the request for a stay, the board will advance the hearing date on its own initiative or by request of the parties.

(4) The requester makes a prima facie case for a stay if the requester demonstrates either a likelihood of success on the merits of the appeal or irreparable harm. Upon such a showing, the board shall grant the stay unless the agency demonstrates either:

- (a) A substantial probability of success on the merits; or
- (b) Likelihood of success and an overriding public interest which justifies denial of the stay.

(5) Unless otherwise stipulated by the parties, the board, after granting or denying a request for a stay, shall expedite the hearing and decision on the merits.

(6) Any party aggrieved by the grant or denial of a stay by the board may petition the superior court of Thurston County for review of that decision pending the hearing on the merits before the board.

NEW SECTION

**WAC 371-08-420 Intervention.** (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor pursuant to civil rule 24, that the intervention will serve the interests of justice and that the prompt and orderly conduct of the appeal will not be impaired.

(2) The presiding officer may impose conditions upon the intervenor's participation in the proceedings.

NEW SECTION

**WAC 371-08-425 Joinder of parties.** The presiding officer shall order the joinder of the permittee, permitting agency or any other interested person or entity in accordance with civil rule 19. The presiding officer may also permit the joinder of the persons who are not necessary to the determination of the appeal in accordance with civil rule 20.

NEW SECTION

**WAC 371-08-430 Scheduling letter.** (1) Upon receipt of a notice of appeal which complies with the requirements of these regulations, the board shall mail written notice to each party of the primary and, if applicable, the secondary hearing dates. The notice or scheduling letter will identify the case to be heard, the identity of the parties and the time and location of the hearing. The letter shall also state that an interpreter can be made available upon reasonable notice to the board for any witness or party who is hearing impaired or who does not speak English.

(2) The letter may set out a filing schedule for motions and prehearing briefs. Where the presiding officer decides to hold a prehearing conference, the letter shall also state the date, time and location of the prehearing conference.

(3) The scheduling letter shall control the subsequent course of the appeal unless modified for good cause by subsequent order of the board or the presiding officer.

NEW SECTION

**WAC 371-08-435 Prehearing conferences.** (1) The board may, upon written request by a party or on its own, schedule a prehearing conference on not less than seven days notice mailed to each party to the appeal, at a time and place fixed by the board. At the prehearing conference, parties may engage in settlement negotiations. Where settlement proves unavailing, the presiding officer may schedule all deadlines for motions and discovery and memorialize those dates in a prehearing order. The prehearing order may also identify the issues to be tried, stipulations, admissions, witnesses and exhibits for the hearing.

(2) The issues which the prehearing order identifies for the hearing shall control the subsequent course of the appeal, and shall be the only issues to be tried at the hearing, unless modified for good cause by subsequent order of the board or the presiding officer.

(3) Appearance by a party or by the party's representative at the prehearing conference is mandatory. If a party fails to attend a prehearing conference, that is not justified by good cause, the presiding officer may issue an order of default against the absent party or take other appropriate action.

NEW SECTION

**WAC 371-08-440 Settlement and mediation agreements.** (1) Where the parties settle an appeal before hearing, the parties shall prepare and submit to the board a written order of dismissal to which the written settlement agreement is attached. If the agreement is in accordance with the law, the board shall enter the order and dismiss the case.

(2) This section also pertains to settlement agreements reached during mediation.

#### NEW SECTION

**WAC 371-08-445 Use of telephone conferences, motion hearings and hearings.** Upon the motion of any party or independently, the presiding officer may decide to conduct any conference, motion hearing or hearing by telephone call to promote the fair, speedy and economical processing of a matter. If the presiding officer grants a party's request for a telephone conference, the requesting party shall initiate and pay for the call.

#### NEW SECTION

**WAC 371-08-450 Motions.** (1) An application to the board for an order shall be by motion which, unless made during a hearing, shall be in writing, state with particularity the grounds therefor and set forth the relief sought. Each written motion shall have appended to it the order which the motion seeks.

(2) For motions for continuance or for schedule changes, or other motions that are likely to be uncontested, the moving party shall affirmatively seek the stipulation of all parties and present a stipulated order wherever possible.

(3) If the motion is contested, any party may request that the board hold a motion hearing. The presiding officer will decide whether or not a motion hearing will be held and notify the parties accordingly. At a motion hearing, the board will consider the arguments of the parties but will not take evidence. Unless a motion hearing is requested by one or more parties, or the board independently sets a motion hearing date, the board will normally decide the motion exclusively on the parties' written submissions. Where any party requests a motion hearing, that party shall procure from the hearing coordinator an available date for the motion hearing and prepare a note that sets the time, date and location of the motion hearing. The moving party shall note the motion for hearing on a date deemed by the hearing coordinator to be available for that purpose. The motion, order and note for motion hearing shall then be filed and served. Where the hearing coordinator specifies that the motion hearing shall be telephonic, the moving party shall originate the telephonic hearing conference call.

(4) Unless a scheduling letter or order provides otherwise, the following schedule governs all written motions (including any supporting affidavits, memoranda of law, or other documentation):

(a) All responses to any motion shall be filed and served ten days from the date the motion is received. The moving party shall then have seven days from receipt of the response to file and serve a reply.

(b) In cases where the moving party requests a motion hearing, all dispositive motions shall be filed and served not later than twenty-eight days before the motion hearing.

(c) All dispositive motions shall be filed and served not later than forty-five days before the secondary hearing date, or, if no secondary date applies, the primary hearing date, unless the presiding officer by order allows otherwise.

(d) In exigent or exceptional circumstances, a party may at any time request the board to modify the above schedules

by requesting a scheduling conference (which may be telephonic) with the presiding officer.

(5) The board will decide a motion on the written record unless the presiding officer orders a motion hearing.

#### NEW SECTION

**WAC 371-08-455 Setting primary and secondary hearing dates.** (1) Each case shall be assigned a primary hearing date. A case has first priority for hearing on that date.

(2) Each case may be assigned a secondary hearing date. That date will precede the primary hearing date. A case has second priority for hearing on the secondary date, and will proceed to hearing only if the primary case does not proceed. The parties to a primary case shall inform the hearing coordinator for the board as soon as any settlement occurs. The parties to a secondary case may contact the hearing coordinator to learn whether or not the primary case will proceed. The parties to a secondary case may also contact directly the parties to a primary case to learn whether or not the primary case will proceed.

#### NEW SECTION

**WAC 371-08-460 Postponements or continuances of hearings.** (1) Postponement or continuance of a hearing is within the discretion of the board, whether contested or uncontested by the parties. The board may postpone or continue a hearing on its own motion.

(2) The postponement or continuance of a hearing shall be sought by written motion and according to the procedure set forth in WAC 371-08-450.

#### NEW SECTION

**WAC 371-08-465 Dismissal, default or withdrawal of the appeal.** (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or dismissal order which shall include a statement of the grounds for the order. Within seven days after service of a default or dismissal order for failure to attend or participate, the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

(2) An appellant may request to withdraw an appeal. Requests before the appellant rests its case-in-chief during the hearing are mandatory and afterwards are permissive.

### **PART F HEARINGS**

#### NEW SECTION

**WAC 371-08-470 Hearing briefs.** Hearing briefs, if filed, shall be submitted to the board at least seven days before the hearing or such other time as the board may prescribe. An original and three copies of the brief shall be filed with the board and a copy served on the other parties or their attorneys. The board may permit or require the filing of additional briefs.

NEW SECTION

**WAC 371-08-475 Procedures at hearings.** (1) **Presiding officer.** All hearings shall be conducted by a presiding officer who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) **Testimony under oath.** Oaths shall be administered by the presiding officer or other officer with authority to administer oaths. All testimony to be considered by the board shall be sworn or affirmed.

(3) **Recording.**

(a) An official record of all evidentiary hearings shall be made by manual, electronic, or other type of recording device.

(b) Unofficial use of photographic and recording equipment is permitted at hearings; however, the presiding officer shall be consulted first and may impose conditions on their use as necessary to prevent disruption of the hearing.

(4) **Order of presentation of evidence.**

(a) The presiding officer shall determine the proper order of presentation of evidence. As a general rule, the appealing party shall initially introduce its evidence, except that in case of an appeal from a regulatory order or an order assessing a penalty, the agency shall initially introduce all evidence necessary to its case.

(b) The opposing party shall present its evidence after the party initially presenting evidence has rested.

(c) Rebuttal and surrebuttal evidence will be received only at the discretion of the presiding officer.

(d) Witnesses may be called out of turn in contravention of this rule by agreement of all parties.

(5) **Opening statements.** Unless the presiding officer rules otherwise, parties may present an oral opening statement setting out briefly a statement of the basic facts, disputes and issues of the case.

(6) **Written statement of qualifications of expert witnesses.** Any party who plans to introduce the testimony of any expert witness at the hearing shall submit as an exhibit to the board and all parties at the hearing a written statement of the qualifications, experience, and expertise of each such expert witness.

(7) **Former employee as an expert witness.** No former employee of the department shall at any time after leaving the employment of the department appear, except when permitted by applicable state conflict of interest law, as an expert witness on behalf of other parties in a formal proceeding in which an active part in the investigation as a representative of the department was taken.

(8) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form stating the legal grounds of objection relied upon.

(9) **Rulings.** The presiding officer, on objection or independently, shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with WAC 371-08-480 through 371-08-515.

NEW SECTION

**WAC 371-08-480 Additional evidence by presiding officer.** The presiding officer may, when all parties have rested, present such evidence, in addition to that presented by the parties, as deemed necessary to decide the appeal fairly and equitably. Any such evidence secured and presented by the presiding officer shall be presented in an impartial manner, and shall be received subject to full opportunity for cross-examination by all parties. If a party desires to present rebuttal evidence to any evidence so presented by the presiding officer, application shall be made therefor immediately following the conclusion of such evidence. Such application shall be granted by assignment of a time and place for presentation of such rebuttal evidence.

NEW SECTION

**WAC 371-08-485 Standard and scope of review and burden of proof at hearings.** (1) Hearings shall be formal and quasi-judicial in nature. The standard of review shall be de novo unless otherwise provided by law.

(2) The issuing agency shall have the initial burden of proof in cases involving penalties or regulatory orders. In other cases, the appealing party shall have the initial burden of proof.

NEW SECTION

**WAC 371-08-490 Provision of interpreters and of reasonable accommodations to individuals with special needs.** (1) Whenever any person involved in an adjudicative proceeding is eligible for an interpreter, as that eligibility is defined in WAC 10-08-150, or qualifies for reasonable accommodations as a person with disabilities, that person shall request an interpreter or other reasonable accommodation from the presiding officer not later than three weeks before the date of the hearing, conference or other situation for which the interpreter or accommodation is needed. The board shall comply with the provisions of WAC 10-08-150 and 10-08-160(2) regarding interpreters.

(2) Information about proceedings before the board is available in alternate format upon request.

NEW SECTION

**WAC 371-08-500 Rules of evidence—Admissibility criteria.** (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. All relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior courts of the state of Washington.

(2) The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state.

NEW SECTION

**WAC 371-08-505 Rules of evidence—Official notice—Matters of law.** The presiding officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the *Federal Register*.

(2) **State law.** The Constitution of the state of Washington; acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington; executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations.

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, and official publications.

(5) **Rules of regional authorities.** Rules or regulations of air pollution control boards or authorities established pursuant to chapter 70.94 RCW, when such rules or regulations are filed with the board pursuant to RCW 43.21B.260.

NEW SECTION

**WAC 371-08-510 Rules of evidence—Official notice—Material facts.** (1) In the absence of controverting evidence, the presiding officer, upon request made before or during a hearing, or in a proposed decision, may officially notice:

(a) **Board proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(b) **Business customs.** General customs and practices followed in the transaction of business;

(c) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(d) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction.

(2) **Request or suggestion.** Any party may request, or the presiding officer may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision.

(3) **Statement.** Where a final decision of the board rests in whole or in part upon official notice of a material

fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the presiding officer may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence.

(4) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by a petition for reconsideration. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision.

(5) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

NEW SECTION

**WAC 371-08-515 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The presiding officer may, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

**PART G****DECISIONS BY THE BOARD AFTER HEARING**NEW SECTION

**WAC 371-08-520 Contents of the record.** The record before the board in any adjudicative proceeding shall consist of the decision or order appealed from, the notice of appeal therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, stipulations or requests duly filed by any party and written reports or orders of the presiding officer. Such record shall also include all depositions, if they are admitted at the hearing, the transcript of testimony as provided in WAC 371-08-525, and other proceedings at the hearing, together with all exhibits admitted. No part of the department's record or other documents shall be made part of the record of the board unless admitted in evidence.

NEW SECTION

**WAC 371-08-525 Preparation of transcripts.** (1) The board, in its discretion, may at any time cause a transcript to be printed, but will not normally do so.

(2) When the board does not cause a transcript to be printed, it shall be the obligation of the party wishing a transcript, or portions of it, to order the same from the board reporter and assume the printing costs.

NEW SECTION

**WAC 371-08-530 Preparation of findings, conclusions and orders.** Upon request of the board or presiding officer, findings, conclusions and orders shall be prepared by counsel and be based upon the board's oral or memorandum opinion. The board or presiding officer may adopt, in whole or in part, the parties' findings, conclusions and orders or the board may prepare its own findings, conclusions and orders.

NEW SECTION

**WAC 371-08-535 Final decisions and orders.** (1) When the hearing on the appeal has been concluded, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by a majority of the board may be adopted which shall contain findings and conclusions as to each contested issue of fact and law.

(2) The record before the board shall be considered by at least two of the members of the board: *Provided*, That if two members cannot agree on a decision, the third member must consider the record before the board: *And provided further*, That if two members cannot agree on a decision in any case, the substantive decision of the agency (or authority) will control in those cases where the appealing party has the burden of proof.

(3) Copies of the final decision and order shall be mailed by the board to each party to the appeal or to the attorney or representative of record, if any. Service upon the representative shall constitute service upon the party.

NEW SECTION

**WAC 371-08-540 Review of permits under the National Pollutant Discharge Elimination System.** (1) The provisions of this section shall apply only to review proceedings before the board pertaining to permits issued by the department under the provisions of the National Pollutant Discharge Elimination System.

(2) In those cases where the board determines that the department issued a permit that is invalid in any respect, the board shall order the department to reissue the permit as directed by the board and consistent with all applicable statutes and guidelines of the state and federal governments.

NEW SECTION

**WAC 371-08-545 Review of permits issued under chapter 173-303 WAC.** (1) This section shall only apply to the board's review of permits issued by the department under chapter 173-303 WAC.

(2) In the event that the board determines that a department permit under chapter 173-303 WAC is invalid in any respect, the board shall remand the permit to the department for reconsideration and appropriate action consistent with the board's order and federal and state law.

NEW SECTION

**WAC 371-08-550 Petitions for reconsideration.** (1)(a) After issuance of a final decision, any party may file a petition for reconsideration with the board. Such petition must be filed within ten days of mailing of the final deci-

sion. The board may require an answer to the petition. Copies of the petition for reconsideration, and an answer, if required, shall be served on the other parties of record.

(b) The filing of a petition for reconsideration does not stay the effectiveness of the final decision of the board.

(c) In response to a petition for reconsideration, the board may deny it, or may reverse or modify its decision or may reopen the hearing. The board is deemed to have denied the petition if, within twenty days from the date the petition is filed, the board does not act on the petition or specify a date by which it will act on the petition.

(2) The time for filing a petition for judicial review does not commence until disposition of the petition for reconsideration. However, the filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

(3) Copies of the final decision and order and of the board's disposition of any petition for reconsideration shall be mailed by the board to each party to the appeal or to the attorney or representative of record. Service on the representative shall be deemed to be service on the party.

## PART H APPEALS FROM BOARD DECISIONS

NEW SECTION

**WAC 371-08-555 Notice of appeal to the superior court.** All appeals from orders of the board shall be to a superior court, unless the board certifies the order for direct review to the court of appeals. In cases of appeal to superior court, the appealing party shall file with the board and all parties of record a copy of the notice of appeal to the superior court.

NEW SECTION

**WAC 371-08-560 Direct review to the court of appeals upon certification by the board.** (1) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with the superior court and must serve the board and all parties of record. The application for direct review shall request the board to file a certificate of appealability.

(2) If the board's jurisdiction is among the issues on review to the superior court, the board may, on its own motion, file an application for direct review with the superior court on the jurisdictional issue.

(3) From the date the board is served a copy of the application for direct review under subsection (1) of this section, the board shall have thirty days to grant or deny the request to file a certificate of appealability. The board shall file the certificate of appealability, or its decision denying the certificate, together with the board's final order being appealed, with the superior court and serve the parties of record.

(4) The board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest, and either of the following:

(a) Fundamental and urgent state-wide or regional issues are raised; or

(b) The proceeding is likely to have significant precedential value.

PROPOSED

(5) The board shall state in the certificate of appealability, or in its decision denying the certificate, which criteria set forth in subsection (4) of this section it applied and how those criteria were or were not met.

(6) Where the board issues a certificate of appealability, the parties shall have fifteen days from the date the certificate is served to file a notice of discretionary review in the superior court. The notice shall include a copy of both the certificate of appealability and the final order or decision of the board.

(7) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(8) If the certificate of appealability is denied, review of the board's decision shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

**NEW SECTION**

**WAC 371-08-565 Certification of record.** Within thirty days of receipt of a copy of the petition for judicial review to the superior court or notice of acceptance of the certificate of appealability by the court of appeals, the board shall certify and transmit to the reviewing court the record made before the board. Additional time for certification and transmission of the record may be allowed by the reviewing court. Normally the record will not include a transcript of the testimony. Unless the board has caused a transcript to be printed, arrangements for and costs of the written transcript shall be the obligation of the party seeking judicial review.

**PART I  
SEPA REVIEW OF BOARD ACTIVITIES**

**NEW SECTION**

**WAC 371-08-570 Applicability of SEPA guidelines.** The board has reviewed its authorized activities pursuant to the SEPA rules and has found them all to be exempt from that chapter.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 371-08-001 Purpose and applicability.
- WAC 371-08-002 Commencement of adjudicative proceedings.
- WAC 371-08-005 Membership, function and jurisdiction.
- WAC 371-08-010 Board administration—Office and address of the board.
- WAC 371-08-020 Board administration—Quorum.
- WAC 371-08-030 Board administration—Communications with the board—Public records.
- WAC 371-08-032 Definitions.
- WAC 371-08-033 Service of documents on representatives.

- WAC 371-08-035 Appearance and practice before the board—Persons who may and may not appear.
- WAC 371-08-040 Appearance and practice before the board—Appearance by representative.
- WAC 371-08-050 Appearance and practice before the board—Withdrawal or substitution of representatives.
- WAC 371-08-055 Appearance and practice before the board—Conduct.
- WAC 371-08-061 Appearance and practice before the board—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice.
- WAC 371-08-065 Presiding officer—Powers and duties.
- WAC 371-08-071 Subpoenas.
- WAC 371-08-075 Appeals to the board—Contents of notice of appeal.
- WAC 371-08-080 Appeals to the board—Time for filing appeals.
- WAC 371-08-085 Appeals to the board—Jurisdictional requirements—Dismissal on jurisdictional grounds.
- WAC 371-08-100 Appeals to the board—Correction or amendment of notice.
- WAC 371-08-104 Appeals to the board—Stays.
- WAC 371-08-106 Appeals to the board—Intervention.
- WAC 371-08-125 Conferences—Purpose of prehearing conferences.
- WAC 371-08-130 Conferences—When held.
- WAC 371-08-140 Conferences—Agreements at prehearing conferences—Prehearing orders.
- WAC 371-08-144 Prehearing procedures—Telephone.
- WAC 371-08-146 Prehearing procedures—Use of civil rules—Discovery.
- WAC 371-08-147 Procedures—Motions.
- WAC 371-08-148 Prehearing procedures—Summary judgment.
- WAC 371-08-150 Hearings—Types of hearings.
- WAC 371-08-155 Hearings—Election of type of hearings.
- WAC 371-08-156 Hearings—Assignment of dates.
- WAC 371-08-162 Hearings—Primary and secondary setting.
- WAC 371-08-165 Hearings—Continuances, dismissal.
- WAC 371-08-167 Dismissal or default.
- WAC 371-08-180 Hearings—Procedures at hearings.
- WAC 371-08-183 Hearings—Standard and scope of review—Burden of proof.
- WAC 371-08-184 Hearings—Interpreters.
- WAC 371-08-185 Hearings—Additional evidence by presiding officer.

- WAC 371-08-186 Rules of evidence—Admissibility criteria.
- WAC 371-08-187 Rules of evidence—Official notice—Matters of law.
- WAC 371-08-188 Rules of evidence—Official notice—Material facts.
- WAC 371-08-189 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections.
- WAC 371-08-195 Disposition of adjudicative proceedings—Record.
- WAC 371-08-196 Disposition of adjudicative proceedings—Transcripts.
- WAC 371-08-197 Disposition of adjudicative proceedings—Preparation of findings, conclusions and orders.
- WAC 371-08-200 Disposition of adjudicative proceedings—Final decisions and orders—Petition for reconsideration.
- WAC 371-08-215 Disposition of adjudicative proceedings—Final decisions and orders.
- WAC 371-08-220 Appeals to the courts—Notice of appeal to the superior court.
- WAC 371-08-230 Appeals to the courts—Certification of record.
- WAC 371-08-235 Computation of time.
- WAC 371-08-240 Petitions for declaratory ruling.
- WAC 371-08-250 Review of permits under the National Pollutant Discharge Elimination System.
- WAC 371-08-255 Review of permits issued under chapter 173-303 WAC.
- WAC 371-08-260 Applicability of SEPA guidelines.

Name of Proponent: Department of Personnel, governmental.  
 Rule is not necessitated by federal law, federal or state court decision.  
 Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes situations where shift premium pay is appropriate. The purpose of the rule describes when employees shall be entitled to shift premium. This modification is intended to clarify situations where shift premium pay is appropriate.  
 Proposal Changes the Following Existing Rules: See above.  
 No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.  
 Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Not required.  
 Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 13, 1996, at 10:00 a.m.  
 Assistance for Persons with Disabilities: Contact Department of Personnel by June 6, 1996, TDD (360) 753-4107, or (360) 586-0509.  
 Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 11, 1996.  
 Date of Intended Adoption: June 13, 1996.

May 1, 1996  
 Dennis Karras  
 Secretary

PROPOSED

**WSR 96-10-064**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed May 1, 1996, 8:07 a.m.]

Original Notice.

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 356-15-060 Shift premium provisions and compensation.

Purpose: This rule describes shift premium provisions and compensation.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification is intended to clarify situations where shift premium pay is appropriate.

Reasons Supporting Proposal: This proposal is intended to clarify the existing rule.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

**AMENDATORY SECTION** (Amending WSR 93-12-086 (Order 419), filed 5/28/93, effective 7/1/93)

**WAC 356-15-060 Shift premium provisions and compensation.** (1) Basic shift premium shall be paid in the amount specified in WAC 356-15-061.

(2) For purposes of this section, evening shift is defined as a work shift of eight or more hours which ends at or after 10 p.m. Night shift is defined as a work shift of eight or more hours which begins by 3:00 a.m.

(3) Full time employees shall be entitled to basic shift premium under the following circumstances:

(a) Employees whose assigned hours consist entirely of evening and/or night shifts are entitled to shift premium for all hours of their scheduled evening and/or night shifts and for all additional hours which are worked and compensated.

(b) Employees are entitled to shift premium for all scheduled hours after 6 p.m. or before 6 a.m.

(c) Employees assigned to work at least one, but not all, night and/or evening shifts, are entitled to shift premium for those scheduled evening or night shifts, and for all additional hours which are worked and compensated.

~~((d) Employees who regularly work a day shift schedule and who are assigned extended hours are entitled to shift premium for all hours worked after 6 p.m. or before 6 a.m.))~~

(4) Part-time and intermittent employees shall be entitled to basic shift premium under the following circumstances:

(a) For all assigned hours of work after 6 p.m. and before 6 a.m.

(b) For assigned full night or evening shifts, as defined in subsection (2) of this section.

(5) Monthly shift premium rates: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (2) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(6) Shift premium and overtime: When an employee is compensated for working overtime during hours for which shift premium is authorized in this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353.

(7) Payment during leave and for holidays not scheduled to work: Employees eligible for shift premium for their scheduled shifts will receive the same proportion of shift premium for respective periods of authorized paid leave and for holidays not worked which fall within their usual scheduled shift.

**WSR 96-10-065**  
**PROPOSED RULES**  
**PERSONNEL RESOURCES BOARD**

[Filed May 1, 1996, 8:09 a.m.]

**Original Notice.**

Exempt from preproposal statement of inquiry under RCW 34.05.310(4).

Title of Rule: WAC 251-10-030 Layoff.

Purpose: This rule describes procedures for layoff.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: The modification is to clarify and reinstate language that was previously removed.

Name of Proponent: Department of Personnel, governmental.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA (360) 753-0468; Implementation and Enforcement: Department of Personnel.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the procedure for layoff. An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work. This modification is to reinstate language that was previously removed and to clarify that an appointing authority may also layoff or reduce the number of working hours or the work year of an employee without prejudice due to reorganization for efficiency purposes.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 13, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 6, 1996, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 11, 1996.

Date of Intended Adoption: June 13, 1996.

May 1, 1996  
Dennis Karras  
Secretary

**AMENDATORY SECTION** (Amending WSR 93-01-155, filed 12/23/92, effective 2/1/93)

**WAC 251-10-030 Layoff.** (1) An appointing authority may layoff or reduce the number of working hours or the work year of an employee without prejudice because of lack of funds or lack of work and/or for reorganization for efficiency purposes.

(2) Each institution shall develop for approval by the director a layoff procedure based upon layoff seniority as defined in WAC 251-01-245, to include as a minimum:

(a) Clearly defined layoff unit(s), in order to minimize the disruption of an institution's total operation, and

(b) Provision for veterans preference for eligible veterans and their unmarried widows/widowers as defined in WAC 251-10-045.

(3) A permanent status employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsections (5) and (6) of this section. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate institution-wide layoff list(s).

(4) Written notice of at least fifteen calendar days must be given to the employee after he/she has selected one of the options or upon completion of the option period.

(5) Within the layoff unit, a permanent status employee scheduled for layoff shall be offered employment options to position(s):

(a) For which he/she meets any specific position requirements;

(b) Which are comparable, as determined by the personnel officer; and

(c) Which are in:

(i) Class(es) in which the employee has held permanent status which have the same or lower salary range maximum as the current class;

(ii) Lower class(es) in those same class series for which the employee is qualified.

The employee may exercise either option subsection (5)(c)(i) or (ii) of this section provided that the employee being replaced is the least senior in a comparable position in the class and has less layoff seniority than the employee replacing him/her. A vacant position, if available, should be considered to be the position in the class held by the least senior person. The employee may elect to have access to less-than-comparable positions by so notifying the personnel officer in writing.

(6) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under subsection (5) of this section shall be offered position(s) as follows:

(a) The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three); provided that any position(s) offered must be:

(i) At the same level or lower than the class from which the employee is being laid off; and

(ii) Vacant or held by a provisional, temporary, or probationary employee; and

(iii) In a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination.

(b) The employee will be required to indicate within three working days his/her interest in a specific class(es) so that the personnel officer may schedule the appropriate examination(s).

(c) Upon satisfactory completion of the examination(s) the employee will be offered option(s) to specific position(s), including salary information.

(d) Employees appointed to positions through provisions of this subsection will be required to serve a trial service period.

(7) In order to be offered a layoff option or return from layoff to a position for which specific position requirements have been documented in accordance with WAC 251-18-255(1), the employee must demonstrate a satisfactory level of knowledge, skill, or ability on the specific position requirements.

(8) In a layoff action involving a position for which a particular sex is a bona fide occupational requirement, as approved by the Washington state human rights commission, the most senior employee meeting the occupational requirements may be retained in the position over more senior employees in such class who do not meet the occupational requirement.

(9) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Provide a copy of the institution's reduction in force procedure to all employees subject to layoff;

(b) Advise each employee in writing of available options in lieu of layoff;

(c) Advise each employee in writing of the specific layoff list(s) upon which he/she may be placed as required per WAC 251-10-055 and 251-10-035;

(d) Provide information about the process by which the employee may make application for state-wide layoff lists, as required per WAC 251-10-060(7);

(e) Advise each employee in writing of the right to appeal his/her layoff to the board per WAC 251-12-080.

(10) Layoff actions for employees of special employment programs as identified in WAC 251-19-150 shall be administered as provided in WAC 251-10-035.

## WSR 96-10-066

### PROPOSED RULES

#### PERSONNEL RESOURCES BOARD

[Filed May 1, 1996, 8:10 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 95-19-096.

Title of Rule: WAC 356-42-045 Union shop elections.

Purpose: This rule provides guidelines on union shop elections.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This proposal adds language to determine when an election would need to be conducted due to the modification of bargaining units when all or part of state agencies are merged.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, (360) 753-0468; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Washington Federation of State Employees, AFL-CIO, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes the process and guidelines for union shop representation elections. This modification adds language to determine when an election would need to be conducted due to the modification of bargaining units when all or part of state agencies are merged.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Not required.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 13, 1996, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 6, 1996, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, FAX (360) 586-4694, by June 11, 1996.

Date of Intended Adoption: June 13, 1996.

May 1, 1996  
Dennis Karras  
Secretary

AMENDATORY SECTION (Amending WSR 89-02-011 (Order 312), filed 12/28/88, effective 2/1/89)

**WAC 356-42-045 Union shop elections.** (1) An employee organization is eligible to petition for a union shop representation election if the employee organization is certified as exclusive bargaining representative for a bargaining unit in accordance with WAC 356-42-030.

(2) Upon receipt of a valid petition from the certified exclusive bargaining representative, the director or designee shall order a union shop representation election. If the employee organization does not already have the opinion of

counsel required by WAC 356-42-010(3) on file with the director, the petition shall not be considered complete until such an opinion is provided.

(3) The election will be conducted under the general procedures outlined in WAC 356-42-042.

(4) A petitioning employee organization will be certified as union shop representative if a majority of the employees who are included in the bargaining unit vote in favor of the union shop.

(5) The petitioning employee organization shall take great care to avoid making untrue statements concerning union shop election issues.

(6) The appointing authority shall cooperate with the director or designee to assure that eligible employees have a maximum opportunity to vote in union shop elections.

(7) The appointing authority, supervisors, and other representatives of management shall remain neutral on the questions, merits and issues of the union shop and the petitioning employee organization for the purposes of union shop elections; except that such individuals who are members of the bargaining unit shall have the right to express their personal opinions and beliefs regarding the issues when their positions are included in the bargaining unit. If an objection is made by the petitioning employee organization or by an employee included in the bargaining unit to written or oral statements made by the appointing authority, supervisors or other representatives of management, the director or designee shall investigate the objection and determine the appropriate remedy if the objection is found to be meritorious.

(8) When the board, pursuant to WAC 356-42-020, adds a new classification of employees into an existing bargaining unit which has a union shop provision in place or modifies a unit pursuant to WAC 356-42-020(8), such action shall effect an automatic request for a new union shop certification election to determine the desires of the employees of the new or modified unit(s) unless ((fewer than twelve months have elapsed since the last union shop election and)):

(a) Fewer than twelve months have lapsed since the last union shop election; or

~~((a))~~ (b) The same employee organization is the certified union shop representative for each of the units being combined; or

~~((b))~~ (c) The results of the union shop election previously held still represent a majority vote in favor of the union shop provision in the new unit; or

~~((c))~~ (d) A majority of the incumbents in the positions to be added have signed a petition indicating acceptance of the union shop condition.

(9) No union shop election petition will be honored within twelve months following the director's certification of the results of a prior union shop certification election or a prior union shop decertification election.

**WSR 96-10-071**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed May 1, 1996, 9:38 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-050.

Title of Rule: Rules relating to commercial feeds.

Purpose: To revise current rules to correspond with the changes on the amended commercial feed law.

Statutory Authority for Adoption: RCW 15.53.9012.

Statute Being Implemented: Chapter 15.53 RCW.

Summary: The proposed rules repeal outdated sections, add new definitions, specify label requirements and incorporate federal regulations on good manufacturing practices.

Reasons Supporting Proposal: Establishes labeling requirements, prohibits adulteration of commercial feeds.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ali Kashani, Olympia, (360) 902-2028.

Name of Proponent: American Feed Industry Association; Pacific Northwest Grain and Feed Association; Ray Gearheart of Ferndale Grain, Kathy Reinbold of ADM Animal Health and Nutrition, Elizabeth Nifong of Land O' Lakes; and Washington State Department of Agriculture, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rules relating to commercial feeds were developed primarily as the result of amendments made to chapter 15.53 RCW, Commercial feed law. Some of the most notable changes in the feed law made in 1995 were to switch from label registration (of commercial feeds, other than pet food and specialty pet food), to facility licensing, to determine guaranteed analysis requirements on labels by rule, and adopt current good manufacturing practice regulations for medicated articles and medicated feeds. The purpose of the rule is to reestablish minimum labeling requirements, to include good manufacturing practices, adopt terms and definitions that are specified in the 1996 Association of American Feed Control Officials publication. The anticipated effects will be to continue to give the purchasers of the commercial feeds information with regards to the quality of feed, to minimize possibility of commercial feeds to be adulterated or misbranded and to use names, definitions and terms that are defined and standardized between the feed industry and the feed control officials.

Proposal Changes the Following Existing Rules: Repeal WAC 16-200-640 Livestock remedies; repeal WAC 16-200-650 Concentrates, minerals and medicine; include specific commodity exemptions from the definition of "commercial feed"; adopt names and definitions for commercial feeds as they appear in the 1996 official publication of the AAFCO; add definitions for "quantity statement" and "facility"; prescribe label format to include feeds containing drugs and nonprotein nitrogen; establish limitations in the range of guarantees for calcium and salt when they are added to mineral feeds; include directions and precautionary statements on the label of commercial feeds containing additives for safe and effective use; commercial feed license requirements; adopt good manufacturing practice regulations for Type A Medicated Articles and Type B and Type C medicated feeds as published in the Code of Federal Regulations.

No small business economic impact statement has been prepared under chapter 19.85 RCW.

Analysis on why no small business economic impact statement is required for the proposed "rules relating to commercial feeds."

Recognizing that most feed manufacturers and distributors are small business operations, the proposed rules were developed with special consideration to minimize any possible economic impact on their interests. The following considerations were made to further reduce any possible economic impact on small businesses:

The incorporation of new labeling information, adopted in the model regulation by Association of American Feed Control Officials (AAFCO), is deferred to a future date until several other states have incorporated such requirements in their rules. Although the proposed rules do not include the AAFCO labeling information, as requirements, labels that meet the model regulations are accepted for distribution in the state of Washington.

Good manufacturing practice (GMP) regulations are proposed to be adopted for only facilities that manufacture medicated feed. These regulations are already required at the federal level under the Code of Federal Regulations, Title 21, Parts 225, Section 225.1-225.202 and Part 226, Section 226.1-226.115. Most firms which produce nonmedicated feeds are small businesses are not included for GMP requirements in the rules at this time.

Most of the other changes are proposed in order to either correspond to the changes in the commercial feed law (chapter 15.53 RCW), or to achieve a greater degree of uniformity with many of other states' current feed rules.

Labeling requirements are virtually the same as they were before revisions were made to the commercial feed law in 1995. Guaranteed analysis information is to be determined by rules, as stated in the statute, which is partly the purpose of rules adoption. The labeling information with respect to guaranteed analysis is currently provided by the feed manufacturers. Adoption of these rules will enforce the standards to continue to be followed by all members of the industry for consumer protection purposes. This will give the department a tool to monitor a quality control program by sampling commercial feeds in distribution, a practice that is currently underway.

Adoption of rules is not expected to cause any additional cost to small businesses.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a named agency under section 201.

Hearing Location: ESD 101, 4022 East Broadway, Spokane, WA 99202 and Washington Interactive Television, @ Seattle Community College, 1500 Harvard, Seattle, WA 98122, on June 18, 1996, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 20, 1996, TDD (360) 902-1996.

Submit Written Comments to: Ali Kashani, Feed and Fertilizer Programs Administrator, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504, FAX (360) 902-2093, by June 20, 1996.

Date of Intended Adoption: July 5, 1996.

May 1, 1996  
John Daly  
Assistant Director

AMENDATORY SECTION (Amending Order 1016, filed 5/20/66)

WAC 16-200-750 Definitions ((of feed ingredients) and terms. (1) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials (AAFCO), as they appear in the 1996 official publication of the association, except as the department designates otherwise in specific cases.

Note: A copy of the 1996 official publication of the association of American Feed Control Officials is on file with the department. Copies may be obtained from AAFCO Treasurer; Georgia Department of Agriculture; Plant Food, Feed and Grain Division; Capitol Square; Atlanta, GA 30334.

(2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, as they appear in the 1996 official publication of the association, except as the department designates otherwise in specific cases.

(3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of RCW 15.53.901(2): Raw meat, loose salt, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: Provided, That these commodities are not adulterated within the meaning of RCW 15.53.902.

(4) The term "quantity statement" means the net weight (mass) as defined in RCW 19.94.010 (1)(i), net volume (liquid or dry) or count.

(5) The following definitions, in addition to the official definitions adopted by AAFCO, as published in the 1996 edition, are adopted:

(a) Pea meal is a pea product resulting from the grinding of whole peas which are reasonably free of other crop seeds, weeds, and mold. It shall contain not less than twenty percent crude protein and not more than eight percent crude fiber.

~~((2))~~ (b) Pea by-products meal is a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. It shall contain not less than fifteen percent crude protein nor more than thirty percent crude fiber.

~~((3))~~ (c) Pea screenings meal consists primarily of the various separates obtained from the screening and cleaning of peas. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

~~((4))~~ (d) Pea bran consists primarily of the various separates obtained from the pea splitting operation. It shall contain not less than ten percent crude protein nor more than thirty-eight percent crude fiber.

~~((5))~~ Poultry by products for mink feed shall consist of nonrendered clean parts of carcasses of slaughtered poultry such as heads, feet, and viscera, free from foreign matter except in such trace amounts as might occur unavoidably in good factory practice.

~~((6))~~ Fish by products for mink feed shall consist of nonrendered clean parts of carcasses of fish such as heads, frames, and viscera, free from foreign matter except in such trace amounts as might occur unavoidably in good factory practice.

~~(7)~~ (e) Grass seed by-products meal or pellets is a ground product consisting of light and broken seeds, hulls, chaff, straw, and a portion of the weed seeds; excluding sand, dirt, and heavy weed seeds.

~~((8))~~ (f) Grass seed screenings meal or pellets is the product obtained from the cleaning of various grass seed and shall be comprised chiefly of hulls.

~~((9))~~ (g) Dehydrated ~~(alfalfa or)~~ grass meal is the aerial portion of the plant cut prior to formation of seed reasonably free of other crop plants, weeds, and mold, which has been finely ground and dried by thermal (artificial) means. If a species name is used, the product must correspond thereto.

(h) Facility is defined as any place where a commercial feed is manufactured, sold or stored for later distribution.

#### NEW SECTION

**WAC 16-200-755 Label format.** (1) Except as provided for in subsection (2) of this section, commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this section on the principal display panel of the product and in the following general format:

- (a) Product name and brand name if any;
- (b) If a drug is used, the label shall include:
  - (i) The word "medicated" directly following and below the product name in type size, no smaller than one-half the type size of the product name;
  - (ii) The purpose of the medication (claim statement);
  - (iii) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with WAC 16-200-770(5);
- (c) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by WAC 16-200-795 and 16-200-830 appear elsewhere on the label;
- (d) The guaranteed analysis of the feed required under the provisions of RCW 15.53.9016 (1)(b). This shall include the following items, unless exempted in subsection (2) of this section, in the order listed:
  - (i) Minimum percentage of crude protein;
  - (ii) Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in WAC 16-200-770(8);
  - (iii) Minimum percentage of crude fat;
  - (iv) Maximum percentage of crude fiber;
  - (v) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods and specialty pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient;
  - (vi) For mineral feeds the guaranteed analysis shall include the following, if added:
    - (A) Minimum and maximum percentages of calcium (Ca);
    - (B) Minimum percentage of phosphorus (P);
    - (C) Minimum and maximum percentages of salt (NaCl);
 and
    - (D) Other minerals;
  - (vii) Vitamins in such terms as specified in WAC 16-200-770(4);

(viii) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content;

(ix) Viable lactic acid producing microorganisms for use in silages in terms specified in WAC 16-200-770(10);

(e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of RCW 15.53.9016 (1)(c):

(i) The name of each ingredient as defined in the 1996 Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the department;

(ii) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the 1996 Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients: *Provided, That:*

(A) When a collective term of a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label;

(B) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state;

(f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however the street address may be omitted if it is shown in the current city directory or telephone directory;

(g) Quantity statement.

(2) Exemptions.

(a) A mineral guarantee is not required when the feed or feed ingredient is not intended, or represented or does not serve as a principal source of that mineral to the animal.

(b) Guarantees for vitamins are not required when the commercial feed is neither formulated for, nor represented in any manner as a vitamin supplement.

(c) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(d) Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.

(3) The information required by subsection (1)(a) and (b) and (d) through (g) of this section must appear in its entirety on one side of the label or container.

(4) The information required by subsection (1)(c) of this section shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by subsection (1)(c) of this section is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "see back of label for directions for use." None of the information required by RCW 15.53.9016 shall be subordinated or obscured by other statements or designs.

(5) No printed or written matter or design (e.g., picture of animal or bird) of any kind shall be attached to, appear on, or be distributed with feed if such matter is misleading or incorrect, or at variance in any respect with the information on the principal label. Labeling which suggests that presence of added enzyme-bearing materials improves utilization of a commercial feed is prohibited.

(6) No statement may appear on a label which refers to or compares properties of the package contents to some other competitive products unless such other competitive product is specifically identified. A negative statement is not allowed on a label except when this provides information deemed by the director to be beneficial to the purchaser.

(7) Customer-formula feed shall be labeled with the information prescribed using labels, invoice, delivery ticket, or other shipping document bearing the following information:

- (a) The name and address of the manufacturer;
- (b) The name and address of the purchaser;
- (c) The date of delivery;
- (d) The product name and the quantity statement;
- (e) The product name and quantity statement of each commercial feed and each other ingredient used in the customer-formula feed must be on file at the plant producing the product. These records must be kept on file for one year after the date of the last sale. This information shall be available to the purchaser, the dealer making the sale, and the department on request;
- (f) The direction for use and precautionary statements as required by WAC 16-200-795 and 16-200-830;
- (g) If a drug is used, the labeling shall include:
  - (i) The purpose of the medication (claim statement);
  - (ii) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with WAC 16-200-770(5).
- (8) When bulk commercial feeds are sacked and offered for sale, each container shall be accompanied by a label in accordance with the provisions of RCW 15.53.9016(1).
- (9) All bulk deliveries of commercial feed shall be accompanied by a label or a shipping document in accordance with the provisions of RCW 15.53.9016(1).

**AMENDATORY SECTION** (Amending Order 1164, filed 10/1/70)

**WAC 16-200-760 Brand and product names.** (1) The brand or product name must be appropriate for the intended use of the feed and not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "dairy feed," for example, must be suitable for that purpose.

(2) When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the definitions of feed ingredients and feed terms as established in the ~~((latest))~~ 1996 official publication of the Association of American Feed Control Officials in accepting product names for single ingredient feeds.

(3) A name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any component of a mixture unless all components are included in the name: *Provided*, That if any ingredient or combina-

tion of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name, if in the opinion of the department, the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product, that it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients, and that it is not otherwise false or misleading.

(4) The word vitamin, or a contraction thereof, or any word suggesting vitamin, can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in WAC 16-200-770~~((3))~~ (4).

(5) The term "mineralized" shall not be used in the name of a feed except "trace mineralized salt." When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(6) When the brand name carries a percentage value, it shall be understood to signify protein and/or protein equivalent content. If any other percentage values are used in brand names, they must be followed by the proper description.

(7) Commercial feed shall be considered as a distinct brand when differing either in guaranteed analysis, trademark name, or any other characteristic method of marking: *Provided*, That a brand may be sold in various physical forms.

(8) The word "protein" shall not be permitted in the brand name of a feed that contains added nonprotein nitrogen.

(9) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

**AMENDATORY SECTION** (Amending Order 1016, filed 5/20/66)

**WAC 16-200-770 Expression of guarantees.** (1) The guarantees for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage.

(2) The sliding-scale method of expressing guarantees (for example, protein fifteen to eighteen percent) is prohibited, except as specifically provided by the law or by ((regulation)) rule.

~~((2) Drugs in commercial feeds shall be guaranteed in terms of percentage by weight, except that antibiotics present at less than two thousand grams (total) of antibiotics per ton of feed shall be guaranteed in terms of grams per ton of feed or when present at two thousand grams per ton or more they shall be guaranteed in terms of grams per pound of feed.))~~

(3) Mineral feeds shall be labeled with guarantees for the minimum and maximum percentages of calcium, minimum percentage of phosphorus, minimum and maximum percentages of salt, and minimum or maximum of other minerals as specified, if added.

(a) When the calcium and salt guarantees are given in the guaranteed analysis, they shall be stated and conform to the following:

(i) When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than 0.5 percentage point.

(ii) When the minimum is 2.5% but less than 5.0%, the maximum shall not exceed the minimum by more than one percentage point.

(iii) When the minimum is above 5.0% or greater the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.

(b) When required, guarantees for minimum potassium, magnesium, sulfur and maximum fluoride shall be stated in parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

(4) Guarantees of minimum vitamin content of commercial feeds (~~and feed supplements~~) shall be listed in the order specified and shall be stated in (~~units of~~) milligrams per pound (~~as provided herein: Vitamin E in USP or International units; vitamin A, other than precursors of vitamin A, in USP units; vitamin D in products offered for poultry feeding in International Chick units; vitamin D for other uses in USP units; all other vitamins as true vitamins, not compounds, excepting only pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing vitamin A or vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing that the term "d pantothenic acid" or calcium pantothenate be used in stating the pantothenic acid guarantee.~~

(4)) unless otherwise specified:

(a) Vitamin A, other than precursors of Vitamin A, in International Units per pound.

(b) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.

(c) Vitamin D, for other uses, in International Units per pound.

(d) Vitamin E, in International Units per pound.

(e) Concentrated oils and feed additive premixes containing vitamins A, D, and/or E may, at the option of the distributor be stated in units per gram instead of units per pound.

(f) Vitamin B-12, in milligrams or micrograms per pound.

(g) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: Menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.

(5) Guarantees for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics, present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.

(c) Labels for commercial feeds containing growth promotion and/or feed efficiency labels of antibiotics, which

are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein, quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(d) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(6) Pursuant to RCW 15.53.9016 (1)(~~e~~) (b) of the law, all commercial feeds except poultry laying rations, containing five percent or more mineral ingredients, shall include in the guaranteed analysis the minimum (~~and maximum percentages of calcium (Ca) and salt (NaCl) and the minimum~~) percentages of phosphorus (P) and iodine (I), if added. Minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element. Should the registrant choose to guarantee minerals of commercial feeds with less than five percent of mineral ingredients, these guarantees shall be stated as above.

(~~5~~) (7) Poultry laying rations containing twelve percent or more mineral ingredients shall be considered mineral feeds and subject to the requirements of subsection (~~4~~) above) (6) of this section.

(~~6~~) Commercial feeds which need not be labeled to show guarantees for crude protein, crude fat, and crude fiber are:

(a) Commercial feeds distributed solely as mineral and/or vitamin supplements.

(b) Molasses.

(~~e~~) Drug compounds.) (8) Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:

(a) For ruminants:

(i) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude protein, minimum, .....%

(This includes not more than .....% equivalent crude protein from nonprotein nitrogen.)

(ii) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent crude protein from nonprotein nitrogen, minimum, .....%

(iii) Ingredient sources of nonprotein nitrogen such as Urea, DiAmmonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic nonprotein nitrogen ingredients referenced under WAC 16-200-750 shall be guaranteed as follows:

Nitrogen, minimum, .....% equivalent crude protein from nonprotein nitrogen, minimum, .....%

(b) For nonruminants:

(i) Complete feeds, supplements and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum, .....%

(This includes not more than .....% equivalent crude protein which is not nutritionally available to species of animals.)

(ii) Premixes, concentrates or supplements intended for nonruminants containing more than 1.25% equivalent crude

protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

(9) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

(10) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

AMENDATORY SECTION (Amending Order 1164, filed 10/1/70)

WAC 16-200-790 Ingredient statement. ((1) Each ingredient must be specifically named. When not specifically stated in chapter 15.53 RCW or otherwise designated by the department, the department will be guided by the names and definitions as established in the latest official publication of the Association of American Feed Control Officials.

(2) Pursuant to RCW 15.53.9016 (1)(d), collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the 1971 official publication of the Association of American Feed Control Officials may be used in lieu of the individual ingredients: *Provided, That*

(a) When a collective term for a group of the ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(b) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within the defined groups, that were used in the manufacture of a specific feed.

(3) Moisture guarantees shall be shown as a part of the guaranteed analysis on the labels of all canned pet foods. When water is added in the preparation of canned foods for animals, water must be listed as an ingredient.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(6) Pursuant to RCW 15.53.9016 (1)(d) of the law, alternative listing of ingredients within the following groups may be shown on the label or label facsimile on an and/or basis:

(a) Corn, hominy feed, wheat, barley, oats, and grain sorghums:

(b) Cottonseed meal, soybean meal, peanut meal, linseed meal, corn gluten meal, safflower meal, and rapeseed meal.

(c) Beet molasses, corn sugar molasses, citrus molasses, and cane molasses.

(d) Wheat bran, wheat mill run, and wheat middlings.

(e) Wheat shorts, wheat red dog, corn germ meal, corn gluten feed, and grain sorghum gluten feed.

(f) Dehydrated alfalfa meal and dehydrated grass meal.

(7) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(8) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted.)) (1) As provided in WAC 16-200-755 (1)(e), the name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name defined in the Official Definitions of Feed Ingredients as published in the 1996 Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the department.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of any product that has been artificially dried.

(5) A single ingredient product defined by the Association of American Feed Control Officials, as published in the 1996 official publication of Association of American Feed Control Officials, is not required to have an ingredient statement.

(6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e., sugar).

(7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

(8) The term "degermed" must precede the name of any product from which the germ was wholly or partially removed.

(9) The use of commercial, copyrighted brand, or trade names in the guarantees and ingredient listing shall not be permitted.

## NEW SECTION

WAC 16-200-795 Directions for use and precautionary statements. (1) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or nonnutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations of the Code of Federal Regulations, Title 21, parts 500-599 under the Federal Food, Drug and Cosmetic Act as provided in the 1995 edition.

Note: The Food and Drug Administration's regulations are published in the Code of Federal Regulations, and are available in book format from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A copy of the 1995 edition, Parts 200-599 is on file with the department.

(2) Adequate directions for use and precautionary statements as identified in subsection (1) of this section are required for feeds containing nonprotein nitrogen as specified in WAC 16-200-830.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use as identified in subsection (1) of this section are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

AMENDATORY SECTION (Amending Order 5038, filed 3/31/94, effective 5/1/94)

**WAC 16-200-805 Tonnage fees.** Pursuant to RCW 15.53.9018, ~~((beginning May 1, 1994,))~~ each initial distributor of a commercial feed in this state shall pay to the department of agriculture an inspection fee of ~~((eight and one-half))~~ nine cents per ton on all commercial feed sold by such person during the year ((and, beginning July 1, 1994, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of nine cents per ton on all commercial feed sold during the year)). The minimum inspection fee, the late penalty fee and exceptions to payment of ((this)) fee are as authorized in RCW 15.53.9018.

AMENDATORY SECTION (Amending Order 1776, filed 11/17/82)

**WAC 16-200-815 Adulteration.** (1) Pursuant to RCW 15.53.902, ~~((a commercial feed or feed ingredient shall also be deemed to be adulterated if it contains more than twenty parts per billion aflatoxin B<sub>1</sub>))~~ the terms "poisonous or deleterious substances" include but are not limited to the following:

(a) A commercial feed or feed ingredient which contains more than twenty parts per billion aflatoxin B<sub>1</sub>, B<sub>2</sub>, G<sub>1</sub>, G<sub>2</sub>, individually or total;

(b) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry;

(c) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry;

(d) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of fluorine per 100 pounds of body weight;

(e) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents;

(f) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B<sub>1</sub> (Thiamine).

(2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more

than one viable prohibited (primary) noxious weed seeds per pound and not more than twenty-five viable restricted (secondary) noxious weed seeds per pound.

AMENDATORY SECTION (Amending Order 1164, filed 10/1/70)

**WAC 16-200-830 Nonprotein nitrogen.** (1) Urea and other nonprotein nitrogen products defined in the 1996 official publication of the Association of American Feed Control Officials are accepted ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein ~~((and are not to be used in commercial feeds for other animals and birds)).~~

(2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, or exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a caution statement: CAUTION: USE AS DIRECTED. The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(3) The presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the warning or caution statements on medicated feed labels which contain adequate feeding directions and/or warning statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of nonprotein nitrogen.

(4) Nonprotein nitrogen defined in the 1996 Official Publication of the Association of American Feed Control Officials, when so indicated, are acceptable ingredients in commercial feeds distributed to nonruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from nonprotein nitrogen sources when used in nonruminant rations shall not exceed 1.25% of the total daily ration.

AMENDATORY SECTION (Amending Order 1164, filed 10/1/70)

**WAC 16-200-860 Used sacks and containers.** Used sacks and containers may be used again if thoroughly cleaned so that all feed and foreign matter is removed; and if the outer surface is free from all matter and labeling deceptive as to the contents of the sack and the container: Provided, That sacks and containers used for chemicals, pesticides, treated seeds, or other potential adulterants shall not knowingly be used for feed.

NEW SECTION

**WAC 16-200-865 Commercial feed license.** (1) Pursuant to RCW 15.53.9013, a commercial feed license is required for each facility. Any person who makes only retail sales of bagged or packaged commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage

inspection fee due under RCW 15.53.9018 is not required to obtain a license.

(2) The commercial feed license application form, to be completed by applicants and licensees, shall include name and business address of the applicant and information regarding the types of business the firm is engaged in (feed manufacturer, dealer, broker) and the type of commercial feed distributed (medicated feed, complete feed, feed supplement, animal products).

**NEW SECTION**

**WAC 16-200-885 Commercial feed label submission.** Pursuant to RCW 15.53.9013, license applicants or licensees shall submit copies of commercial feed labels and labeling, when requested by the department with just cause, in order to determine compliance with the provisions of laws and rules.

**NEW SECTION**

**WAC 16-200-887 Good manufacturing practices.** For the purposes of enforcement of RCW 15.53.902(9) the department adopts the following as current good manufacturing practices:

(1) The regulations prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in the 1995 edition of the Code of Federal Regulations, Title 21, Part 225, Sections 225.1-225.202.

(2) The regulations prescribing good manufacturing practices for Type A Medicated Articles as published in the 1995 edition of the Code of Federal Regulations, Title 21, Part 226, Sections 226.1-226.115.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 16-200-640 Livestock remedies—  
Application for registration.
- WAC 16-200-650 Concentrates, minerals and  
medicine used in feeds.
- WAC 16-200-780 Definitions, sampling, and  
analysis.
- WAC 16-200-800 Labeling.
- WAC 16-200-810 Minerals.
- WAC 16-200-850 Medicated feeds.
- WAC 16-200-870 Products requiring registration.

**WSR 96-10-073  
PROPOSED RULES  
PUGET SOUND AIR  
POLLUTION CONTROL AGENCY  
[Filed May 1, 1996, 10:20 a.m.]**

Original Notice.

Proposal is exempt under RCW 70.94.141(1).

Title of Rule: (1) Adopt: Section 3.03 of Regulation I.

(2) Amend: Section 3.01 of Regulation III.

Purpose: (1) To specify procedures for the Puget Sound Air Pollution Control Agency board to issue general regulatory orders as currently authorized under RCW 70.94.141(3).

(2) To provide the regulated community with a simpler, more concise chromium electroplating and anodizing regulation while incorporating the federal NESHAP (National Emission Standards for Hazardous Air Pollutants) requirements.

Other Identifying Information: Section 3.03 pertains to General Regulatory Orders; Section 3.01 pertains to Hard and Decorative Chromium Electroplating and Chromium Anodizing.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: (1) This proposal will specify procedures to be used by the Puget Sound Air Pollution Control Agency board when issuing general regulatory orders. (2) This proposal will incorporate federal NESHAP requirements into a simple, more concise regulation for chromium electroplating and anodizing facilities.

Reasons Supporting Proposal: (1) The board is authorized to issue orders under RCW 70.94.141(3), however, there are no procedures specifying the process for issuing them. (2) The existing chromium electroplating and anodizing regulation needs to incorporate the federal NESHAP requirements in order for the Puget Sound Air Pollution Control Agency to obtain approval to implement this standard, thereby eliminating dual regulation.

Name of Agency Personnel Responsible for Drafting: Maggie Corbin, 110 Union Street, #500, Seattle, 98101, (206) 689-4057; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, (206) 689-4050; and Enforcement: Neal Shulman, 110 Union Street, #500, Seattle, 98101, (206) 689-4078.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: (1) This rule will specify procedures for the Puget Sound Air Pollution Control Agency board to issue general regulatory orders as currently authorized under RCW 70.94.141(3).

(2) This rule will provide the regulated community with a simpler, more concise regulation while incorporating the federal NESHAP (National Emission Standards for Hazardous Air Pollutants) requirements for chromium electroplating and anodizing facilities.

Proposal Changes the Following Existing Rules: (1) This proposal adopts procedures for the board to issue general regulatory orders.

(2) This proposal changes the format of the emission limits in the existing chromium electroplating and anodizing regulation and specifies operating and maintenance procedures, monitoring, record keeping, and reporting for chromium electroplating and anodizing facilities.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

PROPOSED

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Pursuant to RCW 70.94.141(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on June 13, 1996, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010 by June 6, 1996, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by June 3, 1996.

Date of Intended Adoption: June 13, 1996.

April 30, 1996  
Margaret L. Corbin  
Air Pollution Engineer

## NEW SECTION

### **REGULATION I SECTION 3.03 GENERAL REGULATORY ORDERS**

(a) Purpose. Pursuant to RCW 70.94.141(3), the Board may issue orders necessary to effect the purposes of chapter 70.94 RCW. Such orders may be issued to existing sources to limit emissions; specify recordkeeping, reporting, or operation and maintenance requirements; or in other circumstances necessary to implement the purposes of chapter 70.94 RCW.

(b) Public Involvement Process. The Board may issue a regulatory order after the following public involvement process has been completed:

(1) Public notice of the proposed order shall be published in a newspaper of general circulation in the area where the source that is the subject of the order is located. The cost of providing public notice shall be borne by the affected source. The public notice shall include, at a minimum, the following information:

(A) The name and address of the owner or operator and the source;

(B) A brief description of the purpose of the proposed order and the requirements included in the proposed order;

(C) The deadline for submitting written comments to PSAPCA; and

(D) The opportunity for a public hearing if PSAPCA determines that there is significant public interest in the proposed order.

(2) The initial public comment period shall be at least 30 days.

(3) During the initial 30-day public comment period, any person may request a public hearing be held. Any such request shall be submitted in writing to the Agency and describe why a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held before a hearing officer and upon such notice and at a time and place as the Agency deems reasonable. The hearing officer shall hear testimony at the public hearing and prepare a written summary of the testimony received at the hearing. The Agency shall provide at least 30 days prior notice of

any hearing. If a public hearing is held, the public comment period shall extend through the hearing date.

(c) Board Action. The Board shall only issue an order under this section after:

(1) The public comment period has ended;

(2) Any public hearing scheduled has been held; and

(3) The Board has considered all information and data related to the proposed order received by PSAPCA, including all written comments received and any summary of testimony prepared by the hearing officer.

The Board shall take action on a proposed order at a Board meeting. Unless otherwise ordered by the Board, an order issued under this section shall be effective on the date the Board approves the order.

(d) Appeals. Orders issued by the Board under this section may be appealed to the Pollution Control Hearings Board pursuant to Section 3.17 of Regulation I and RCW 43.21B.310.

## AMENDATORY SECTION

### **REGULATION III SECTION 3.01 HARD AND DECORATIVE CHROMIUM ELECTROPLATING AND CHROMIUM ANODIZING ((CHROMIC ACID PLATING AND ANODIZING**

~~(a) It shall be unlawful for any person to cause or allow the operation of any chromic acid plating or anodizing tank unless the tank is equipped with a permanent ampere hour accumulator that is operating at all times electrical current is applied to the tank and the facility wide uncontrolled hexavalent chromium emissions from plating or anodizing tanks are reduced by at least 95% using either of the following control techniques:~~

~~(1) An anti-mist additive shall be employed; or~~

~~(2) The tank shall be equipped with:~~

~~(A) A capture system that represents good engineering practice and that shall be in place and in operation at all times electrical current is applied to the tank; and~~

~~(B) Control equipment or a combination of anti-mist additives and control equipment that collectively limit hexavalent chromium emissions to less than 0.15 milligrams per ampere hour of electrical charge applied to the tank.~~

~~(b) It shall be unlawful for any person to cause or allow the operation of any chromic acid plating or anodizing tank at a facility where the facility wide hexavalent chromium emissions from chromic acid plating and anodizing are greater than 1 kilogram per year after the application of the control techniques required by Section 3.01(a), unless the facility wide uncontrolled hexavalent chromium emissions from plating and anodizing tanks are reduced by at least 99% using either of the following control techniques:~~

~~(1) An anti-mist additive shall be employed; or~~

~~(2) The tank shall be equipped with:~~

~~(A) A capture system that represents good engineering practice and that shall be in place and in operation at all times electrical current is applied to the tank; and~~

~~(B) Control equipment or a combination of anti-mist additives and control equipment that collectively limit hexavalent chromium emissions to less than 0.03 milligrams per ampere hour of electrical charge applied to the tank.~~

(e) ~~It shall be unlawful for any person to cause or allow the operation of any chromic acid plating or anodizing tank at a facility where the facility wide hexavalent chromium emissions from chromic acid plating and anodizing would be greater than 1 kilogram per year after the application of the control techniques required by Section 3.01(b), unless the facility wide uncontrolled hexavalent chromium emissions from plating and anodizing tanks are reduced by at least 99.8% using either of the following control techniques:~~

- (1) ~~An anti mist additive shall be employed; or~~
- (2) ~~The tank shall be equipped with:~~

~~(A) A capture system that represents good engineering practice and that shall be in place and in operation at all times electrical current is applied to the tank; and~~

~~(B) Control equipment or a combination of anti mist additives and control equipment that collectively limit hexavalent chromium emissions to less than 0.006 milligrams per ampere hour of electrical charge applied to the tank.~~

~~(d) The owner or operator of the source shall report the facility wide hexavalent chromium emissions to the Agency annually using procedures approved by the Control Officer.))~~

(a) Applicability. This section applies to hard and decorative chromium electroplating and chromium anodizing tanks, except tanks issued an Order of Approval under Regulation I, Section 6.07, for exclusive use in research and development of new processes and products.

(b) Definitions. The following definitions apply to this section:

CHROMIUM ANODIZING means an electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.

DECORATIVE CHROMIUM ELECTROPLATING means an electrolytic process by which a layer of chromium, typically equal to or less than 1 micron, is deposited on a base material using a solution containing chromic acid or trivalent chromium. Current density applied is typically less than 2,400 amperes per square meter of electroplated part and total plating time is typically less than 5 minutes.

HARD CHROMIUM ELECTROPLATING means an electrolytic process by which a layer of chromium, typically greater than 1 micron, is deposited on a base material using a solution containing chromic acid. Current density applied is typically greater than 1,600 amperes per square meter of electroplated part and total plating time is typically greater than 20 minutes.

(c) Hard Chromium Electroplating Standards. It shall be unlawful for a person to cause or allow the operation of a hard chromium electroplating tank unless the tank is equipped with control equipment that limits total chromium emissions to less than the following applicable limit:

Affected Tanks	Emission Limit (mg total chromium/dsem)
Hard Chromium Electroplating located at a facility with a maximum cumulative potential rectifier capacity of less than 60 million ampere-hours/year and installed prior to December 15, 1993 (potential rectifier capacity may be limited by an Order under Section 6.07 or Section 3.03 of Regulation I)	0.03
Hard Chromium Electroplating, all others	0.015

(d) Decorative Chromium Electroplating and Chromium Anodizing Standards. It shall be unlawful for a person to

cause or allow the operation of a decorative chromium electroplating or chromium anodizing tank unless total chromium emissions are controlled using either of the following control techniques:

(1) The tank shall be equipped with control equipment that limits total chromium emissions to less than 0.01 milligrams per dry standard cubic meter; or

(2) A wetting agent shall be employed that reduces the bath surface tension to less than 45 dynes/cm. Bath surface tension must be measured and recorded weekly with a stalagmometer or tensiometer operated and maintained in accordance with the manufacturer's specifications.

(e) Operation and Maintenance Requirements. Chromium electroplating or anodizing tanks using control equipment to comply with the applicable emission limits in Section 3.01(c) or 3.01(d) of this regulation must be operated in accordance with an Order of Approval under Section 6.07 of Regulation I, or an Order issued by the Board under Section 3.03 of Regulation I, which specifies operating and maintenance procedures, monitoring, recordkeeping, and reporting requirements consistent with the federal standards for hard and decorative chromium electroplating and chromium anodizing in 40 CFR Part 63, Subpart N. Compliance with this section is required by January 1, 1997.

(f) Performance Testing Requirements. It shall be unlawful for a person to cause or allow the operation of a chromium electroplating or chromium anodizing tank using control equipment to comply with the applicable emission limits in Section 3.01(c) or 3.01(d) of this regulation unless compliance with the emission limit has been demonstrated with an on-site performance test conducted in accordance with 40 CFR Part 63, Subpart N. Performance testing shall be performed no later than July 24, 1997.

**WSR 96-10-073**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed May 1, 1996, 10:40 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-058.

Title of Rule: WAC 458-40-660 Timber excise tax—Stumpage value tables.

Purpose: WAC 458-40-660 contains the proposed stumpage values for the second half of 1996. Harvesters of timber use these values to calculate the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.330 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The stumpage value tables are being amended to comply with the statutory requirement of semi-annual revision.

Reasons Supporting Proposal: The stumpage values (WAC 458-40-660) are required to be published twice annually by the department.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; Implementation and Enforcement: Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

PROPOSED

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: The amendment of WAC 458-40-660 complies with RCW 84.33.091 that requires the department to publish stumpage values on a semi-annual basis. The tables set out for each stumpage value area the amount that each species or subclassification of timber would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. Harvesters of timber use the tables as a basis for calculating the amount of timber excise tax owed.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The stumpage value table is required by law. The agency is given no discretion in implementing the table. The rule does not impose a responsibility or require a small business to perform something that is not already required by law.

Section 201, chapter 403, Laws of 1995, applies to this rule adoption. This is a significant legislative rule pursuant to subsection (5)(a)(i) of section 201, chapter 403, Laws of 1995 (RCW 34.05.328 (5)(a)(i)).

Hearing Location: Department of Revenue Conference Room, Target Place Building No. 4, 2737 Harrison Avenue N.W., Olympia, WA, on June 4, 1996, at 10:00 a.m.; and Northtown Office Building, Revenue Conference Room, Suite 814, North 4407 Division, Spokane, WA, on June 6, 1996, at 11:00 a.m.

Assistance for Persons with Disabilities: Contact Sandra Yuen by May 28, 1996, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by June 6, 1996.

Date of Intended Adoption: June 28, 1996.

May 1, 1996  
 Russell W. Brubaker  
 Assistant Director  
 Legislation and Policy Division

**AMENDATORY SECTION** (Amending WSR 96-02-057, filed 12/29/95, effective 1/1/96)

**WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.** (1) **Introduction.** This section sets forth the stumpage value tables and the stumpage value adjustments that are used to calculate the amount of timber excise tax owed by a timber harvester.

(2) **Stumpage value tables.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period (January 1 through June 30) July 1 through December 31, 1996:

**((TABLE 1—Stumpage Value Table  
 Stumpage Value Area 1  
 January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$853	\$846	\$839	\$832	\$825
		2	678	671	664	657	650
		3	600	593	586	579	572
		4	373	366	359	352	345
Western Redcedar <sup>2</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>2</sup>	WH	1	594	587	580	573	566
		2	463	456	449	442	435
		3	421	414	407	400	393
		4	386	379	372	365	358
Other Conifer	OC	1	594	587	580	573	566
		2	463	456	449	442	435
		3	421	414	407	400	393
		4	386	379	372	365	358
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	1041	1034	1027	1020	1013
Western Redcedar Poles and Piles	RCL	1	1270	1263	1256	1249	1242
Chipwood <sup>4</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

PROPOSED

**TABLE 2—Stumpage Value Table  
Stumpage Value Area 2  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$750	\$752	\$745	\$738	\$731
		2	710	712	705	698	691
		3	665	658	651	644	637
		4	374	367	360	353	346
Western Redcedar <sup>2</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>2</sup>	WH	1	525	528	521	514	507
		2	502	495	488	481	474
		3	478	471	464	457	450
		4	401	394	387	380	373
Other Conifer	OC	1	535	528	521	514	507
		2	502	495	488	481	474
		3	478	471	464	457	450
		4	401	394	387	380	373
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	895	888	881	874	867
Western Redcedar Poles and Piles	RCL	1	1073	1066	1059	1052	1045
Chipwood <sup>4</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 3—Stumpage Value Table  
Stumpage Value Area 3  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir	DF	1	\$782	\$775	\$768	\$761	\$754
		2	662	656	649	642	635
		3	646	639	632	625	618
		4	389	382	375	368	361
Western Redcedar <sup>2</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>2</sup>	WH	1	520	523	516	509	502
		2	483	476	469	462	455
		3	454	447	440	433	426
		4	375	368	361	354	347
Other Conifer	OC	1	520	523	516	509	502
		2	483	476	469	462	455
		3	454	447	440	433	426
		4	375	368	361	354	347
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	982	975	968	961	954
Western Redcedar Poles and Piles	RCL	1	1190	1183	1176	1169	1162
Chipwood <sup>4</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

PROPOSED

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 4**  
 January 1 through June 30, 1996

**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 5**  
 January 1 through June 30, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$746	\$739	\$732	\$725	\$718
		2	697	690	683	676	669
		3	616	609	602	595	588
		4	382	375	368	361	354
Lodgepole Pine	LP	1	302	295	288	281	274
		2	425	418	411	404	397
Ponderosa Pine	PP	1	570	563	556	549	542
		2	425	418	411	404	397
Western Redcedar <sup>3</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>4</sup>	WH	1	543	536	529	522	515
		2	475	468	461	454	447
		3	444	437	430	423	416
		4	362	355	348	341	334
Other Conifer	OC	1	543	536	529	522	515
		2	475	468	461	454	447
		3	444	437	430	423	416
		4	362	355	348	341	334
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	1152	1145	1138	1131	1124
		2	1057	1050	1043	1036	1029
Western Redcedar Poles and Piles	RCL	1	1418	1411	1404	1397	1390
		2	1195	1188	1181	1174	1167
Chipwood <sup>5</sup>	CHW	1	24	23	22	21	20
		2	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
		2	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
		2	118	111	104	97	90
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.50	0.50	0.50	0.50	0.50

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$768	\$761	\$754	\$747	\$740
		2	690	683	676	669	662
		3	621	614	607	600	593
		4	390	383	376	369	362
Lodgepole Pine	LP	1	302	295	288	281	274
		2	425	418	411	404	397
Ponderosa Pine	PP	1	570	563	556	549	542
		2	425	418	411	404	397
Western Redcedar <sup>3</sup>	RC	1	783	776	769	762	755
		2	683	676	669	662	655
		3	591	584	577	570	563
		4	408	401	394	387	380
Western Hemlock <sup>4</sup>	WH	1	533	526	519	512	505
		2	448	441	434	427	420
		3	423	415	408	401	394
		4	371	364	357	350	343
Other Conifer	OC	1	533	526	519	512	505
		2	448	441	434	427	420
		3	423	415	408	401	394
		4	371	364	357	350	343
Red Alder	RA	1	167	160	153	146	139
		2	167	160	153	146	139
		3	141	134	127	120	113
Black Cottonwood	BC	1	157	150	143	136	129
		2	134	127	120	113	106
		3	24	17	10	3	1
Other Hardwood	OH	1	131	124	117	110	103
		2	131	124	117	110	103
		3	44	37	30	23	16
Douglas fir Poles and Piles	DFL	1	1057	1050	1043	1036	1029
		2	1057	1050	1043	1036	1029
Western Redcedar Poles and Piles	RCL	1	1195	1188	1181	1174	1167
		2	1195	1188	1181	1174	1167
Chipwood <sup>5</sup>	CHW	1	24	23	22	21	20
		2	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
		2	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
		2	118	111	104	97	90
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
		2	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
		2	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50
		2	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

PROPOSED

**TABLE 6—Stumpage Value Table  
Stumpage Value Area 6  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$306	\$299	\$292	\$285	\$278
Engelmann Spruce	ES	1	234	227	220	213	206
Lodgepole Pine	LP	1	204	197	190	183	176
Ponderosa Pine	PP	1	514	507	500	493	486
		2	316	309	302	295	288
Western Redcedar <sup>3</sup>	RC	1	347	340	333	326	319
True Firs <sup>4</sup>	WH	1	243	236	229	222	215
Western White Pine	WP	1	409	402	395	388	381
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	1205	1204	1203	1202	1201
Small Logs <sup>5</sup>	SML	1	32	31	30	29	28
Chipwood <sup>5</sup>	CHW	1	15	14	13	12	11
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per ton.
- <sup>6</sup> Stumpage value per 8 lineal foot or portion thereof.
- <sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>8</sup> Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table  
Stumpage Value Area 7  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$300	\$293	\$286	\$279	\$272
Engelmann Spruce	ES	1	234	227	220	213	206
Lodgepole Pine	LP	1	204	197	190	183	176
Ponderosa Pine	PP	1	514	507	500	493	486
		2	316	309	302	295	288
Western Redcedar <sup>3</sup>	RC	1	320	313	306	299	292
True Firs <sup>4</sup>	WH	1	233	226	219	212	205
Western White Pine	WP	1	409	402	395	388	381

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per ton.
- <sup>6</sup> Stumpage value per 8 lineal foot or portion thereof.
- <sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>8</sup> Stumpage value per lineal foot.

Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	954	953	952	951	950
Small Logs <sup>5</sup>	SML	1	20	19	18	17	16
Chipwood <sup>5</sup>	CHW	1	11	10	9	8	7
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per ton.
- <sup>6</sup> Stumpage value per 8 lineal foot or portion thereof.
- <sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
- <sup>8</sup> Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table  
Stumpage Value Area 10  
January 1 through June 30, 1996**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas Fir <sup>2</sup>	DF	1	\$732	\$725	\$718	\$711	\$704
		2	683	676	669	662	655
		3	602	595	588	581	574
		4	368	361	354	347	340
Lodgepole Pine	LP	1	204	197	190	183	176
Ponderosa Pine	PP	1	514	507	500	493	486
		2	316	309	302	295	288
Western Redcedar <sup>3</sup>	RC	1	769	762	755	748	741
		2	669	662	655	648	641
		3	577	570	563	556	549
		4	394	387	380	373	366
Western Hemlock <sup>4</sup>	WH	1	529	522	515	508	501
		2	461	454	447	440	433
		3	430	423	416	409	402
		4	348	341	334	327	320
Other Conifer	OC	1	529	522	515	508	501
		2	461	454	447	440	433
		3	430	423	416	409	402
		4	348	341	334	327	320
Red Alder	RA	1	153	146	139	132	125
		2	153	146	139	132	125
		3	127	120	113	106	99
Black Cottonwood	BC	1	143	136	129	122	115
		2	120	113	106	99	92
		3	10	2	1	1	1
Other Hardwood	OH	1	117	110	103	96	89
		2	117	110	103	96	89
		3	30	23	16	9	2
Douglas fir Poles and Piles	DFL	1	1138	1131	1124	1117	1110

PROPOSED

Western Redcedar Poles and Piles	RCL	1	1404	1397	1390	1383	1376
Chipwood <sup>5</sup>	CHW	1	24	23	22	21	20
RC Shake Blocks	RCS	1	310	303	296	289	282
RC Shingle Blocks	RCF	1	118	111	104	97	90
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Western Larch.
- <sup>3</sup> Includes Alaska-Cedar.
- <sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>5</sup> Stumpage value per ton.
- <sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>7</sup> Stumpage value per lineal foot.

**TABLE 1—Stumpage Value Table**  
**Stumpage Value Area 1**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$1,015	\$1,008	\$1,001	\$994	\$987
		2	720	713	706	699	692
		3	593	586	579	572	565
		4	351	344	337	330	323
Western Redcedar <sup>2</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>3</sup>	WH	1	562	555	548	541	534
		2	494	487	480	473	466
		3	438	431	424	417	410
		4	421	414	407	400	393
Other Conifer	OC	1	562	555	548	541	534
		2	494	487	480	473	466
		3	432	425	418	411	404
		4	421	414	407	400	393
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>4</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Alaska-Cedar.
- <sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>4</sup> Stumpage value per ton.
- <sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>6</sup> Stumpage value per lineal foot.

**TABLE 2—Stumpage Value Table**  
**Stumpage Value Area 2**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$770	\$763	\$756	\$749	\$742
		2	707	700	693	686	679
		3	606	599	592	585	578
		4	341	334	327	320	313
Western Redcedar <sup>2</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>3</sup>	WH	1	552	545	538	531	524
		2	511	504	497	490	483
		3	495	488	481	474	467
		4	473	466	459	452	445
Other Conifer	OC	1	552	545	538	531	524
		2	510	503	496	489	482
		3	492	485	478	471	464
		4	474	467	460	453	446
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>4</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

- <sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
- <sup>2</sup> Includes Alaska-Cedar.
- <sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
- <sup>4</sup> Stumpage value per ton.
- <sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.
- <sup>6</sup> Stumpage value per lineal foot.

PROPOSED

**TABLE 3—Stumpage Value Table**  
**Stumpage Value Area 3**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$696	\$689	\$682	\$675	\$668
		2	677	670	663	656	649
		3	393	386	379	372	365
		4	340	333	326	319	312
Western Redcedar <sup>2</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>3</sup>	WH	1	537	530	523	516	509
		2	500	493	486	479	472
		3	436	429	422	415	408
		4	428	421	414	407	400
Other Conifer	OC	1	540	533	526	519	512
		2	535	528	521	514	507
		3	429	422	415	408	401
		4	428	421	414	407	400
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>4</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>5</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>6</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>6</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Alaska-Cedar.

<sup>3</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>4</sup> Stumpage value per ton.

<sup>5</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>6</sup> Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table**  
**Stumpage Value Area 4**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$691	\$684	\$677	\$670	\$663
		2	688	681	674	667	660
		3	586	579	572	565	558
		4	334	327	320	313	306
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	299	292	285	278	271
Western Redcedar <sup>3</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>4</sup>	WH	1	547	540	533	526	519
		2	500	493	486	479	472
		3	494	487	480	473	466
		4	422	415	408	401	394
Other Conifer	OC	1	546	539	532	525	518
		2	489	482	475	468	461
		3	486	479	472	465	458
		4	422	415	408	401	394
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>5</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

PROPOSED

**TABLE 5—Stumpage Value Table**  
**Stumpage Value Area 5**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$683	\$676	\$669	\$662	\$655
		2	670	663	656	649	642
		3	606	599	592	585	578
		4	369	362	355	348	341
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	299	292	285	278	271
Western Redcedar <sup>3</sup>	RC	1	672	665	658	651	644
		2	547	540	533	526	519
		3	486	479	472	465	458
		4	473	466	459	452	445
Western Hemlock <sup>4</sup>	WH	1	552	545	538	531	524
		2	500	493	486	479	472
		3	479	472	465	458	451
		4	383	376	369	362	355
Other Conifer	OC	1	551	544	537	530	523
		2	499	492	485	478	471
		3	471	464	457	450	443
		4	383	376	369	362	355
Red Alder	RA	1	230	223	216	209	202
		2	203	196	189	182	175
		3	133	126	119	112	105
Black Cottonwood	BC	1	85	78	71	64	57
		2	61	54	47	40	33
		3	47	40	33	26	19
Other Hardwood	OH	1	103	96	89	82	75
		2	94	87	80	73	66
		3	69	62	55	48	41
Douglas-fir Poles and Piles	DFL	1	1032	1025	1018	1011	1004
Western Redcedar Poles and Piles	RCL	1	1032	1025	1018	1011	1004
Chipwood <sup>5</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>7</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per ton.  
<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>7</sup> Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table**  
**Stumpage Value Area 6**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$303	\$296	\$289	\$282	\$275
Engelmann Spruce	ES	1	248	241	234	227	220
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	299	292	285	278	271
Western Redcedar <sup>3</sup>	RC	1	314	307	300	293	286
True Firs <sup>4</sup>	WH	1	257	250	243	236	229
Western White Pine	WP	1	403	396	389	382	375
Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	1006	1005	1004	1003	1002
Small Logs <sup>5</sup>	SML	1	24	23	22	21	20
Chipwood <sup>5</sup>	CHW	1	13	12	11	10	9
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.  
<sup>2</sup> Includes Western Larch.  
<sup>3</sup> Includes Alaska-Cedar.  
<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."  
<sup>5</sup> Stumpage value per ton.  
<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.  
<sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.  
<sup>8</sup> Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table**  
**Stumpage Value Area 7**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$303	\$296	\$289	\$282	\$275
Engelmann Spruce	ES	1	248	241	234	227	220
Lodgepole Pine	LP	1	219	212	205	198	191
Ponderosa Pine	PP	1	564	557	550	543	536
		2	299	292	285	278	271
Western Redcedar <sup>3</sup>	RC	1	314	307	300	293	286
True Firs <sup>4</sup>	WH	1	257	250	243	236	229
Western White Pine	WP	1	403	396	389	382	375

PROPOSED

Hardwoods	OH	1	50	43	36	29	22
Western Redcedar Poles and Piles	RCL	1	1006	1005	1004	1003	1002
Small Logs <sup>5</sup>	SML	1	22	21	20	19	18
Chipwood <sup>5</sup>	CHW	1	13	12	11	10	9
RC Shake & Shingle Blocks	RCF	1	92	85	78	71	64
LP & Other Posts <sup>6</sup>	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees <sup>7</sup>	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

<sup>8</sup> Stumpage value per lineal foot.

**TABLE 8—Stumpage Value Table**  
**Stumpage Value Area 10**  
 July 1 through December 31, 1996

Stumpage Values per Thousand Board Feet Net Scribner Log Scale<sup>1</sup>

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir <sup>2</sup>	DF	1	\$677	\$670	\$663	\$656	\$649
		2	674	667	660	653	646
		3	572	565	558	551	544
		4	320	313	306	299	292
Lodgepole Pine	LP	1	219	212	205	198	191
		2	564	557	550	543	536
		3	299	292	285	278	271
		4	408	401	394	387	380
Ponderosa Pine	PP	1	564	557	550	543	536
		2	299	292	285	278	271
		3	472	465	458	451	444
		4	408	401	394	387	380
Western Redcedar <sup>3</sup>	RC	1	658	651	644	637	630
		2	533	526	519	512	505
		3	472	465	458	451	444
		4	459	452	445	438	431
Western Hemlock <sup>4</sup>	WH	1	533	526	519	512	505
		2	486	479	472	465	458
		3	480	473	466	459	452
		4	408	401	394	387	380
Other Conifer	OC	1	532	525	518	511	504
		2	475	468	461	454	447
		3	472	465	458	451	444
		4	408	401	394	387	380
Red Alder	RA	1	216	209	202	195	188
		2	189	182	175	168	161
		3	119	112	105	98	91
Black Cottonwood	BC	1	71	64	57	50	43
		2	47	40	33	26	19
		3	33	26	19	12	5
Other Hardwood	OH	1	89	82	75	68	61
		2	80	73	66	59	52
		3	55	48	41	34	27
Douglas-fir Poles and Piles	DFL	1	1018	1011	1004	997	990

Western Redcedar Poles and Piles	RCL	1	1018	1011	1004	997	990
Chipwood <sup>5</sup>	CHW	1	21	20	19	18	17
RC Shake Blocks	RCS	1	303	296	289	282	275
RC Shingle Blocks	RCF	1	121	114	107	100	93
RC & Other Posts <sup>6</sup>	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees <sup>7</sup>	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees <sup>8</sup>	TFX	1	0.50	0.50	0.50	0.50	0.50

<sup>1</sup> Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

<sup>2</sup> Includes Western Larch.

<sup>3</sup> Includes Alaska-Cedar.

<sup>4</sup> Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

<sup>5</sup> Stumpage value per ton.

<sup>6</sup> Stumpage value per 8 lineal feet or portion thereof.

<sup>7</sup> Stumpage value per lineal foot.

(3) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in subsection (2) of this section for the designated stumpage value areas. See WAC 458-40-670 for more information about these adjustments.

The following harvest adjustment tables are hereby adopted for use during the period of ((January 1 through June 30)) July 1 through December 31, 1996:

**TABLE 9—Harvest Adjustment Table**  
**Stumpage Value Areas 1, 2, 3, 4, 5, and 10**  
 ((January 1 through June 30))  
 July 1 through December 31, 1996

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
<b>I. Volume per acre</b>		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
<b>II. Logging conditions</b>		
Class 1	Most of the harvest unit has less than 30% slope. No significant outcrops or swamp barriers.	\$ 0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs that are yarded from stump to landing by helicopter. This does not include special forest products.	- \$145.00

PROPOSED

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(21))

Class 1 Average log volume of 50 board feet or more. - \$25.00

Class 2 Average log volume of less than 50 board feet. - \$125.00

**TABLE 10—Harvest Adjustment Table  
Stumpage Value Areas 6 and 7**

~~((January 1 through June 30))~~  
July 1 through December 31, 1996

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
--------------------	------------	--

I. Volume per acre

Class 1 Harvest of more than 8 thousand board feet per acre. \$0.00

Class 2 Harvest of 3 thousand board feet to 8 thousand board feet per acre. - \$7.00

Class 3 Harvest of less than 3 thousand board feet per acre. - \$10.00

II. Logging conditions

Class 1 Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers. \$0.00

Class 2 Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers. - \$20.00

Class 3 Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs. - \$30.00

Class 4 For logs that are yarded from stump to landing by helicopter. This does not include special forest products. - \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

**TABLE 11—Domestic Market Adjustment**

Public Timber

Harvest of timber not sold by a competitive bidding process that is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber that must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber

Harvest of private timber that is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

Class 1: SVA's 1 through 6, and 10 \$0.00 per MBF  
Class 2: SVA 7 \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 96-10-077  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed May 1, 1996, 11:09 a.m.]**

Continuance of WSR 96-10-010.

Title of Rule: Chapter 388-110 WAC, Contracted residential care services: Assisted living, enhanced adult residential care, and adult residential care.

Purpose: Establishes in rule, contract requirements for the above-listed services which are provided to state-funded residents in licensed boarding homes.

Date of Intended Adoption: May 6, 1996.

May 1, 1996  
Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**WSR 96-10-080  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE  
[Filed May 1, 1996, 11:27 a.m.]**

Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-080.

Title of Rule: Procedural rules for lists of organizations.

Purpose: To establish procedures for fulfilling the requirements of RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

Statutory Authority for Adoption: Chapter 43.05 RCW. Statute Being Implemented: RCW 43.05.020.

Summary: To establish procedures for fulfilling the requirements of RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

PROPOSED

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dannie McQueen, 1111 Washington Street S.E., 2nd Floor, (360) 902-1809.

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

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will establish the procedures the Washington State Department of Agriculture will use to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

Proposal does not change existing rules.

No small business economic impact statement has been prepared under chapter 19.85 RCW. This is a procedural rule only, there is no economic impact.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. The Washington State Department of Agriculture is not a listed agency in section 201.

Hearing Location: Washington State Department of Agriculture, Natural Resources Building, Conference Room 205, 1111 Washington Street S.E., 2nd Floor, Olympia, WA 98501, on June 4, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by May 28, 1996, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Washington State Department of Agriculture, Attn: Kristi Bromley, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2092, by June 4, 1996, 5 p.m.

Date of Intended Adoption: June 5, 1996.

May 1, 1996  
William E. Brookreson  
Assistant Director

### Chapter 16-05 WAC PROCEDURAL RULES FOR LISTS OF ORGANIZATIONS

#### NEW SECTION

**WAC 16-05-001 Statement of purpose.** This chapter establishes procedures for fulfilling the Washington department of agriculture requirements under RCW 43.05.020 to compile and maintain lists of individuals, organizations, both public and private, who provide technical assistance.

#### NEW SECTION

**WAC 16-05-005 How will the lists be developed?** Information concerning the opportunity to be on the department's list of technical assistance providers will be sent to interested parties and organizations identified using current mailing lists and information obtained by department staff. The department will also advertise in select publications, furnishing information on the opportunity to get on the list. Interested companies, individuals and organizations who wish placement on the list will be able to submit their names for inclusion by following the format provided in this chapter.

#### NEW SECTION

**WAC 16-05-010 What does an organization, company or individual have to do to get on the applicable list?** An organization, company or individual must write to the Washington state department of agriculture, provide the name of the organization, company or individual, address and telephone number, professional business or license number, authorized agent, a brief description of the type of technical assistance provided, and identify the department program. The document must include the signature of the person requesting his/her name be put on the list or the signature of the authorized agent of the company or organization who requests listing.

#### NEW SECTION

**WAC 16-05-015 Will the department of agriculture approve organizations, companies or individuals who request listing?** No, the department will not perform any testing or background checks on requesters for inclusion on the department's technical assistance list.

#### NEW SECTION

**WAC 16-05-020 How often are lists changed or updated?** The department will update its technical assistance lists once a year on or around July 1. A new list will be available at that time that reflects any changes requested prior to the annual cutoff date of May 15 for receiving new information. The department will exercise reasonable care in preparing the list, but the accuracy of the information on the list will be solely the responsibility of the company, organizations and individuals providing the information.

#### NEW SECTION

**WAC 16-05-025 Does an applicant have to reapply each year to stay on the list?** No, names will remain on the list until the department receives a written request for change or deletion with the signature of the person who requested his/her name be put on the list or the signature of the authorized agent of the company or organization who requested listing. The department may on a periodic basis contact those companies, organizations, or individuals listed in order to update the list.

#### NEW SECTION

**WAC 16-05-030 How do I take my name off the list?** The department will remove names of organizations, companies or individuals from the next list upon written request. The request must include complete information the department is to remove including name, address, individuals or any other relevant information. The request must bear the signature of the person who requested his/her name be put on the list or the signature of the authorized agent of the company or organization who requested listing.

#### NEW SECTION

**WAC 16-05-035 Each list will include consumer information.** The department shall provide on each list consumer information which indicates that customers using

the list for referral are encouraged to contact the Better Business Bureau or the office of the attorney general, consumer protection unit, to determine whether a name selected is the subject of a complaint. Also, persons utilizing the list are encouraged to check references of those on the list before they select an organization, company or individual to perform technical assistance.

#### NEW SECTION

**WAC 16-05-040 The department of agriculture is completely held harmless and not liable.** (1) The department will exercise reasonable care to include or delete names upon request if received by the department by May 15 of each year. The list will be published annually on or around July 1st of each year. The department is not responsible for errors on the list. In addition, the inclusion of a name of an individual, company or organization on the list should not be construed as an endorsement by the department.

(2) Any person who is on the list is prohibited from holding themselves out as an employee or agent of the Washington state department of agriculture or suggesting that the department endorses the services provided.

#### NEW SECTION

**WAC 16-05-045 Who to contact for inclusion, exclusion and copies of the list within the department.** All requests for inclusion, exclusion and copies of the list should be forwarded to the Washington State Department of Agriculture, Attention: Administrative Regulations Unit, P.O. Box 42560, Olympia, Washington 98504-2560. Telephone inquiries should be directed to (360) 902-1806.

**WSR 96-10-085**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed May 1, 1996, 11:46 a.m.]

#### Original Notice.

Preproposal statement of inquiry was filed as WSR 96-06-033, 96-05-078, 96-05-077, and 95-14-072.

Title of Rule: Sawmills, lockout tagout, nitrous oxide/beryllium PELs, confidential witness statements.

Purpose: Chapter 296-27 WAC, Safety standards for record keeping and reporting, state-initiated proposed amendments to current rules are needed to resolve a conflict with the intent of the statute as it pertains to the release of confidential witness statements when these statements are part of an investigative report which are available to the public upon request. Proposed amendments will clarify the term "investigative report" and the availability of confidential witness statements to the public when included in an investigative report.

WAC 296-27-15503 Confidential reports within the department's files, state-initiated proposed amendments are made:

- to clarify the department's handling of confidential reports within the intent of RCW 49.17.260, Public Law 91-596 U.S.C., and federal and state court decisions on this subject.

WAC 296-27-16001 Definitions, state-initiated proposed amendments are made:

- to add the definition of "investigative report."

Chapter 296-62 WAC, General occupational health standards, state-initiated proposed amendments are made to correct a publication error to the beryllium PEL and to lessen the value requirement for the nitrous oxide PEL to be equivalent to the national consensus standard.

WAC 296-62-07515 Control of chemical agents, state-initiated proposed amendments will not establish additional compliance requirements and are made:

- to correct publication errors for beryllium and beryllium compounds by moving information into the correct columns.
- to increase the permissible exposure limit for nitrous oxide to be identical to the 1995 NIOSH recommended practice. There are no comparable OSHA requirements for nitrous oxide. This amendment will make the existing standard less stringent.

Chapter 296-78 WAC, Safety standards for sawmills and woodworking operations, federal-initiated proposed amendments are made as a result of OSHA letter dated February 17, 1994, which identified this standard as not at-least-as-effective-as the federal standard. Amendments are proposed to be identical to or at-least-as-effective-as the federal standard.

The following proposed amendments are made to be identical to the federal standard and will establish additional compliance requirements:

WAC 296-78-56513 Log carriages, federal-initiated proposed amendments are made:

- to require a positive means be provided to prevent unintended movement of a headrig carriage.

WAC 296-78-71015 Tanks and chemicals, federal-initiated proposed amendments are made:

- to require covers only be removed from that portion of the steaming vats on which workers are working and a portable railing be placed at that point to protect the operators.
- to require that workers not ride or step on logs in steam vats.

WAC 296-78-750 Chains, wire rope, cables and fiber rope, federal-initiated proposed amendments are made:

- to require installation, inspection, maintenance, repair, and testing of ropes, cables, slings, and chains be done only by persons qualified to do such work.

WAC 296-78-835 Vehicles, federal-initiated proposed amendments are made:

- to replace existing audible warning signal language with federal language which:
  - require all vehicles be equipped with audible warning signals and, where practicable, with spark arrestors.
  - require all vehicles operated after dark or in reduced visibility be equipped with backup lights.

The following proposed amendments are made to be at-least-as-effective-as the federal standard and will establish additional compliance requirements:

WAC 296-78-56505 Boats and mechanical devices on waters, federal-initiated proposed amendments are made:

- to add requirements of National Fire Protection Agency (NFPA) standard 302 by incorporation by reference.
- to require pond boat decks be covered with nonslip material.

WAC 296-78-570 Bandsaws—Saws, federal-initiated proposed amendments are made:

- to require bandsaw guards and inspection doors be securely closed during saw operation.

WAC 296-78-580 Edgers, federal-initiated proposed amendments are made:

- to add the requirement that rotating powered tailing devices behind edgers operate at a speed not less than the speed of the edger feed rolls.

The following proposed amendments are made to be at-least-as-effective-as the federal standard and will not establish additional compliance requirements:

WAC 296-78-605 Swing saws, federal-initiated proposed amendments are made:

- to define where existing regulations for whole log cutoff saws are applicable.
- to add a reference to WAC 296-24-16515 for applicable small hand-operated saw requirements.
- to correct a reference number.

WAC 296-78-620 Miscellaneous woodworking machines—Planers, stickers, molders, matchers, federal-initiated proposed amendments are made:

- to add minimum thickness requirements for metal guards.

WAC 296-78-635 Jointers, federal-initiated proposed amendments are made:

- to incorporate existing chapter 296-24 WAC requirements which:
  - require jointer knives not extend more than 1/8 inch beyond the cylindrical cutter head.
  - set limits for the size of the opening through which the cutter head operates.
  - establish performance requirements for the cutter head guard.

WAC 296-78-650 Boring and mortising machines, federal-initiated proposed amendments are made:

- to add a reference to WAC 296-24-16525 for applicable boring and mortising machine requirements.

WAC 296-78-660 Lathe (pail and barrel), federal-initiated proposed amendments are made:

- to add a reference to WAC 296-24-16531 for applicable pail and barrel lathe requirements.

WAC 296-78-665 Sanding machines, federal-initiated proposed amendments are made:

- to add a reference to WAC 296-24-16533 for applicable sanding machine requirements.

WAC 296-78-690 Veneer slicer and cutter, federal-initiated proposed amendments are made:

- to add a reference to WAC 296-24-16535 for applicable veneer slicers and cutters requirements.

WAC 296-78-70503 Shake and shingle machinery—General, federal-initiated proposed amendments are made:

- to define where existing regulations for track and swing whole log cutoff saws are applicable.

- to incorporate a reference to applicable chapter 296-24 WAC requirements for smaller hand-operated swing saws.

WAC 296-78-71003 Floor openings, federal-initiated proposed amendments are made:

- to include the word "wall" in the section title. The proposed section title reads, "Floor and wall openings."

WAC 296-78-71015 Tanks and chemicals, federal-initiated proposed amendments are made:

- to correct references to include chapter 296-62 WAC, General occupational health standards.

WAC 296-78-71017 Dry kilns, federal-initiated proposed amendments are made:

- to correct a reference to include all ladder requirements in chapter 296-24 WAC, General safety and health standards.

WAC 296-78-725 Nonionizing radiation, federal-initiated proposed amendments are made:

- to update laser requirements which:
  - require that proof of qualification be in the possession of the laser equipment operator at all times.
  - require antilaser eye protection devices be provided for employees when potentially hazardous exposure to direct or reflected laser radiation exists.
  - require that mechanical or electronic means be used as a detector for guiding the internal alignment of the laser.
  - require employees be kept out of the laser system operation source and target during specified weather conditions.
  - require the laser unit in operation be set above employees heads when possible.
  - require that employees not be exposed to radio frequency/microwave radiation in excess of the permissible exposure limits specified in WAC 296-62-09005.

WAC 296-78-800 Crane rail stops, bumpers and fenders, federal-initiated proposed amendments are made:

- to correct a typographical error.

WAC 296-78-84005 Dry kilns, federal-initiated proposed amendments are made:

- to correct references to include chapter 296-62 WAC, General occupational health standards, for applicable personal protective equipment requirements.

WAC 296-78-84007 Chippers and logs, federal-initiated proposed amendments are made:

- to correct a typographical error in the section title.

State-initiated amendments to chapter 296-78 WAC are made to renumber subsections as a result of the proposed federal-initiated amendments.

Chapter 296-155 WAC, Safety standards for construction, state-initiated proposed amendments are made to correct a WAC reference.

WAC 296-155-429 Lockout and tagging of circuits, state-initiated proposed amendments will not establish additional compliance requirements and are made:

- to correct a WAC reference.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Tracy Spencer, 7273 Linderson Way, Tumwater, WA, (360) 902-5530; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, OSHA letter dated February 17, 1994.

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

Proposal Changes the Following Existing Rules: See Purpose above.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Small business economic impact statements are not required because the proposed amendments do not place more than minor impact on business.

Section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. Significant rule-making criteria does not apply to these rule amendments because they meet the exempt criteria outlined in RCW 34.05.328 (5)(b)(iii) and (iv). Significant rule-making criteria does not apply when adoption federal statutes or regulations without material change, when amending interpretive rules, or when adopting rules to correct information that is housekeeping in nature (typographical errors, address/name changes, or clarification of rule language without changing its effect).

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on June 4, 1996, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by May 20, 1996, (360) 902-5516.

Submit Written Comments to: Frank Leuck, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by June 11, 1996.

In addition to written comments, the department will accept comments submitted to the following FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: August 20, 1996.

May 1, 1996  
Michael Watson  
for Mark O. Brown  
Director

**AMENDATORY SECTION** (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

**WAC 296-27-15503 Special exemptions for confidential reports within the department's files.** Whenever a departmental file contains ~~((any))~~ an investigative report or information from ~~((an independent))~~ a source ~~((that has requested that the information contained in the department's file be protected as confidential, such information will not be released without court order))~~ who furnished such information under an express promise that the identity of such source would be held in confidence, such investigative report or information shall be exempt from disclosure to the extent

that disclosure would reveal the identity of the source. If an investigative report can be disclosed in such a way as to conceal its source, the contents of such report may be withheld only to the extent necessary to do so. When such information is withheld, the records officer shall ((clearly identify which information has been)) give a general characterization of the information withheld and the information's source.

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-27-16001 Definitions.** For the purpose of these inspection rules:

(1) "Department" shall mean the department of labor and industries.

(2) "De minimus violation" is a violation of a standard, where such violation, has no direct relationship to safety or health.

(3) "General violation" is a violation where any accident or occupational illness resulting from such violation probably would not cause death or serious physical harm but which would have a direct or immediate relationship to the safety and health of employees.

(4) "Nonabatement violation" exists when any employer fails to correct a violation(s) for which they have been cited, by the set abatement date.

(5) "Imminent danger violation" is any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

(6) "Industrial insurance experience factor" is based on a comparison of the actual incurred losses to the expected losses for the oldest three of the four fiscal years preceding the effective date of premium rates.

(a) An experience factor greater than 1.0000 indicates that an employer's actual incurred losses are greater than expected.

(b) An experience factor of less than 1.0000 indicates that an employer's actual incurred losses are less than expected.

(c) New firms and some firms qualifying for transition rating adjustments are assigned a base experience factor of 1.0000. Self-insured employers will be assigned a modification factor of less than 1.0000.

(7) "Industry" shall mean a group of businesses classified by standard industrial classification (SIC) code according to the type of activity in which they are engaged.

(8) "Investigative report" as used in RCW 49.17.260 shall include any memorandum, document, or report prepared by a departmental employee pertaining to an investigation or inspection performed pursuant to the Washington Industrial Safety and Health Act. However, investigative reports do not include the identity or any information that would reveal the identity of a confidential source who furnished information to the department under an express promise that the identity of such source would be held in confidence.

(9) "Repeat violation" includes any violation of a standard or order when a violation has previously been cited to the same employer when it identifies the same type of hazard.

((9)) (10) "Serious violation" shall be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

((10)) (11) "Willful violation" is one involving a voluntary action, done either with an intentional disregard of, or plain indifference to, the requirements of the applicable Washington Administrative Code (WAC) rule(s).

Note: When management has knowledge that resistance to a specific WAC rule or rules exists within its work force, which results in a serious or imminent danger violation, and management fails to institute efforts to overcome that resistance, which are effective in practice, there shall be a rebuttable presumption that such failure constitutes voluntary action. This presumption may be

rebutted by the employer's demonstration of good faith efforts to overcome resistance to the specific WAC rule or rules.

((11)) (12) "WISHA" shall mean the Washington Industrial Safety and Health Act.

((12)) (13) "Working hours" shall mean those times that an employer assigns an employee or employees to work at the work place.

((13)) (14) "Work place," "work site," and "job site" may be used interchangeably in the text of this chapter and shall mean any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control. Work place shall include temporary labor camps.

AMENDATORY SECTION (Amending Order 92-15, filed 12/11/92, effective 1/15/93)

**WAC 296-62-07515 Control of chemical agents.** Chemical agents shall be controlled in such a manner that the workers exposure shall not exceed the applicable limits in WAC 296-62-075 through 296-62-07515.

TABLE 1: LIMITS FOR AIR CONTAMINANTS  
Permissible Exposure Limits (PEL)

Substance	CAS <sup>i</sup> Number	TWA		STEL <sup>c</sup>		CEILING		Skin Designation
		ppm <sup>a</sup>	mg/m <sup>3b</sup>	ppm <sup>a</sup>	mg/m <sup>3b</sup>	ppm <sup>a</sup>	mg/m <sup>3b</sup>	
Abate, see Temephos	---	---	---	---	---	---	---	---
Acetaldehyde	75-07-0	100	180	150	270	---	---	---
Acetic acid	64-19-7	10	25	---	---	---	---	---
Acetic anhydride	108-24-7	---	---	---	---	5.0	20	---
Acetone	67-64-1	750	1800	1000	2400	---	---	---
Acetonitrile	75-05-8	40	70	60	105	---	---	---
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	---	---	---	---	---	---	---
Acetylene	74-86-2	Simple	Asphyxiant	---	---	---	---	---
Acetylene dichloride (see 1,2-Dichloroethylene)	---	---	---	---	---	---	---	---
Acetylene tetrabromide	79-27-6	1.0	14	---	---	---	---	---
Acetylsalicylic acid (Aspirin)	50-78-2	---	5.0	---	---	---	---	---
Acrolein	107-02-8	0.1	0.25	0.3	0.8	---	---	---
Acrylamide	79-06-1	---	0.03	---	---	---	---	X
Acrylic acid	79-10-7	10	30	---	---	---	---	X
Acrylonitrile (see WAC 296-62-07341)	107-13-1	---	---	---	---	---	---	---
Aldrin	309-00-2	---	0.25	---	---	---	---	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	---	---	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	---	---	---
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	---	---	---
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	---	---	---
alpha-Alumina (see Aluminum oxide)	1344-28-1	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---
Aluminum, metal and oxide (as Al)	7429-90-5	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---

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pyro powders	---	---	5.0	---	---	---	---	---
welding fumes f/	---	---	5.0	---	---	---	---	---
soluble salts	---	---	2.0	---	---	---	---	---
alkyls (NOC)	---	---	2.0	---	---	---	---	---
Alundum (see Aluminum oxide)	---	---	---	---	---	---	---	---
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	---	---	---	---	---	---	---
2-Aminoethanol (see Ethanolamine)	---	---	---	---	---	---	---	---
2-Aminopyridine	504-29-0	0.5	2.0	---	---	---	---	---
Amitrole	61-82-5	---	0.2	---	---	---	---	---
Ammonia	7664-41-7	25	18	35	27	---	---	---
Ammonium chloride, fume	12125-02-9	---	10	---	20	---	---	---
Ammonium sulfamate (Ammate)	7773-06-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
n-Amyl acetate	628-63-7	100	525	---	---	---	---	---
sec-Amyl acetate	626-38-0	125	650	---	---	---	---	---
Aniline and homologues	62-53-3	2.0	8.0	---	---	---	---	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	---	---	---	---	X
Anitmony and Compounds (as Sb)	7440-36-0	---	0.5	---	---	---	---	---
ANTU (alpha Naphthyl thiourea)	86-88-4	---	0.3	---	---	---	---	---
Argon	7440-37-1	Simple	Asphyxiant	---	---	---	---	---
Arsenic, Organic compounds (as As)	7440-38-2	---	0.2	---	---	---	---	---
Arsenic, Inorganic compounds, (as As) (see WAC 296-62-07347 for applications and exclusions)	7440-38-2	---	0.2	---	---	---	---	---
Arsine	7784-42-1	0.05	0.2	---	---	---	---	---
Asbestos (see WAC 296-62-077 through 296-62-07753)	---	---	---	---	---	---	---	---
Asphalt (Petroleum fumes)	8052-42-4	---	5.0	---	---	---	---	---
Atrazine	1912-24-9	---	5.0	---	---	---	---	---
Azinphos methyl	86-50-0	---	0.2	---	---	---	---	X
Barium, soluble compounds (as Ba)	7440-39-3	---	0.5	---	---	---	---	---
Barium Sulfate	7727-43-7	---	---	---	---	---	---	---
Total dust	---	---	10.0	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benomyl	17804-35-2	---	---	---	---	---	---	---
Total dust	---	0.8	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benzene, (see WAC 296-62-07523)d/	71-43-2	1.0	---	5.0	---	---	---	---
Benzidine, (see WAC 296-62-073)	92-87-5	---	---	---	---	---	---	---
p-Benzoquinone, (see Quinone)	---	---	---	---	---	---	---	---
Benzo(a) pyrene; (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Benzoyl peroxide	94-36-0	---	5.0	---	---	---	---	---
Benzyl chloride	100-44-7	1.0	5.0	---	---	---	---	---
Beryllium and beryllium compounds (as Be)	7440-41-7	((0.002	---	0.005	---	0.025	---	))
		---	0.002	---	0.005	---	0.025	---
				(30 min.)				
Biphenyl (see Diphenyl)	---	---	---	---	---	---	---	---
Bismuth telluride, Undoped	1304-82-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

Bismuth telluride, Se-doped	---	---	5.0	---	---	---	---	---
Borates, tetra, sodium salts:	---	---	---	---	---	---	---	---
Anhydrous	1330-43-4	---	1.0	---	---	---	---	---
Decahydrate	1303-96-4	---	5.0	---	---	---	---	---
Pentahydrate	12179-04-3	---	1.0	---	---	---	---	---
Boron oxide	1303-86-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Boron tribromide	10294-33-4	---	---	---	---	1.0	10	---
Boron trifluoride	7637-07-2	---	---	---	---	1.0	3.0	---
Bromacil	314-40-9	1.0	10	---	---	---	---	---
Bromine	7726-95-6	0.1	0.7	0.3	2.0	---	---	---
Bromine pentafluoride	7789-30-2	0.1	0.7	---	---	---	---	---
Bromochloromethane, (see Chlorobromethane)	---	---	---	---	---	---	---	---
Bromoform	15-25-2	0.5	5.0	---	---	---	---	X
Butadiene (1,3-butadiene)	106-99-0	10	22	---	---	---	---	---
Butane	106-97-8	800	1,900	---	---	---	---	---
Butanethiol (see Butyl mercaptan)	---	---	---	---	---	---	---	---
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	---	---	---
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	---	---	---	---	X
n-Butyl acetate	123-86-4	150	710	200	950	---	---	---
sec-Butyl acetate	105-46-4	200	950	---	---	---	---	---
tert-Butyl acetate	540-88-5	200	950	---	---	---	---	---
Butyl acrylate	141-32-2	10	55	---	---	---	---	---
n-Butyl alcohol	71-36-3	---	---	---	---	50	150	X
sec-Butyl alcohol	78-92-2	100	305	---	---	---	---	---
tert-Butyl alcohol	75-65-0	100	300	150	450	---	---	---
Butylamine	109-73-9	---	---	---	---	5.0	15	X
tert-Butyl chromate (see CrO3)	1189-85-1	---	---	---	---	---	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	---	---	---	---	---
n-Butyl lactate	138-22-7	5.0	25	---	---	---	---	---
Butyl mercaptan	109-79-5	0.5	1.5	---	---	---	---	---
o-sec-Butylphenol	89-72-5	5.0	30	---	---	---	---	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	---	---	---
Cadmium oxide fume, (as Cd) (see WAC 296-62-074)	1306-19-0	---	---	---	---	---	---	---
Cadmium dust and salts (as Cd) (see WAC 296-62-074)	7440-43-9	---	---	---	---	---	---	---
Calcium arsenate (see WAC 296-62-07347)	---	---	---	---	---	---	---	---
Calcium carbonate	1317-65-3	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium cyanamide	156-62-7	---	0.5	---	---	---	---	---
Calcium hydroxide	1305-62-0	---	5.0	---	---	---	---	---
Calcium oxide	1305-78-8	---	2.0	---	---	---	---	---
Calcium silicate	1344-95-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium sulfate	7778-18-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Camphor (synthetic)	76-22-2	---	2.0	---	---	---	---	---
Caprolactam;	105-60-2	---	---	---	---	---	---	---
Dust	---	---	1.0	---	3.0	---	---	---
Vapor	---	5.0	20	10	40	---	---	---

Captafol (Difolatan)	2425-06-1	---	0.1	---	---	---	---	---	X
Captan	133-06-2	---	5.0	---	---	---	---	---	---
Carbaryl (Sevin)	63-25-2	---	5.0	---	---	---	---	---	---
Carbofuran (Furadon)	1563-66-2	---	0.1	---	---	---	---	---	---
Carbon black	1333-86-4	---	3.5	---	---	---	---	---	---
Carbon dioxide	124-38-9	5,000	9,000	30,00	54,000	---	---	---	---
Carbon disulfide	75-15-0	4.0	12	12	36	---	---	---	X
Carbon monoxide	630-08-0	35	40	---	---	200 m/	229 m/	---	---
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	---	---	---	---
Carbon tetrachloride	56-23-5	2.0	12.6	---	---	---	---	---	---
Carbonyl chloride (see Phosgene)	---	---	---	---	---	---	---	---	---
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	---	---	---	---
Catechol (Pyrocatechol)	120-80-9	5.0	20	---	---	---	---	---	X
Cellulose (paper fiber)	9004-34-6	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---	---
Cesium hydroxide	21351-79-1	---	2.0	---	---	---	---	---	---
Chlordane	57-74-9	---	0.5	---	---	---	---	---	X
Chlorinated camphene	8001-35-2	---	0.5	---	1.0	---	---	---	X
Chlorinated diphenyl oxide	55720-99-5	---	0.5	---	---	---	---	---	---
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	---	---
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	---	---	---	---
Chlorine trifluoride	7790-91-2	---	---	---	---	0.1	0.4	---	---
Chloroacetaldehyde	107-20-0	---	---	---	---	1.0	3.0	---	---
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05	0.3	---	---	---	---	---	---
Chloroacetyl chloride	79-04-9	0.05	0.2	---	---	---	---	---	---
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	---	---	---	---	---	---
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	---	---	---	---	0.05	0.4	---	X
Chlorobromomethane	74-97-5	200	1,050	---	---	---	---	---	---
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	---	---	---	---	---	---	---	---	---
Chlorodifluoromethane	75-45-6	1,000	3,500	---	---	---	---	---	---
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	---	1.0	---	---	---	---	---	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	---	0.5	---	---	---	---	---	X
1-Chloro-2, 3-epoxypropane, (see Epichlorhydrin)	---	---	---	---	---	---	---	---	---
2-Chloroethanol (see Ethylene chlorohydrin)	---	---	---	---	---	---	---	---	---
Chloroethylene (see vinyl chloride)	---	---	---	---	---	---	---	---	---
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	---	---	---	---	---	---
1-Chloro-1-nitropropane	600-25-9	2.0	10	---	---	---	---	---	---
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	---	---	---	---	---	---	---	---
Chloromethyl methyl ether (see Methyl carbomethyl ether)	107-30-2	---	---	---	---	---	---	---	---
Chloropentafluoroethane	76-15-3	1,000	6,320	---	---	---	---	---	---
Chloropicrin	76-06-2	0.1	0.7	---	---	---	---	---	---
beta-Chloroprene	126-99-8	10	35	---	---	---	---	---	X
o-Chlorostyrene	2039-87-4	50	285	75	428	---	---	---	---
o-Chlorotoluene	95-49-8	50	250	---	---	---	---	---	---
2-Chloro-6-trichloromethyl pyridine (see Nitrpyrin)	1929-82-4	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---	---

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Respirable fraction	---	---	5.0	---	---	---	---	---
Chlorpyrifos	2921-88-2	---	0.2	---	---	---	---	X
Chromic acid and chromates (as CrO3)	Varies w/compounds	---	---	---	---	---	0.1	---
Chromium, sol, chromic, chromous salts (as Cr)	7440-47-3	---	0.5	---	---	---	---	---
Chromium (VI) compounds (as Cr)	---	---	0.05	---	---	---	---	---
Chromium Metal and <del>(insoluble)</del> insoluble salts	7440-47-3	---	0.5	---	---	---	---	---
Chromyl chloride	14977-61-8	0.025	0.15	---	---	---	---	---
Chrysene: (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Clopidol	2971-90-6	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Coal Dust (less than 5% SiO2) Respirable fraction	---	---	2.0	---	---	---	---	---
Coal dust (greater than or equal to 5% SiO2) Respirable fraction	---	---	0.1	---	---	---	---	---
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	65996-93-2	---	0.2	---	---	---	---	---
Cobalt, metal fume & dust, (as Co)	7440-48-4	---	0.05	---	---	---	---	---
Cobalt carbonyl (as Co)	10210-68-1	---	0.1	---	---	---	---	---
Cobalt hydrocarbonyl (as Co)	16842-03-8	---	0.1	---	---	---	---	---
Coke oven emissions (see WAC 296-62-200)	---	---	---	---	---	---	---	---
Copper fume (as Cu)	7440-50-8	---	0.1	---	---	---	---	---
Dusts and mists (as Cu)	---	---	1.0	---	---	---	---	---
Cotton dust (raw) e/	---	---	1.0	---	---	---	---	---
Corundum, (see Aluminum oxide)	---	---	---	---	---	---	---	---
Crag herbicide (Sesone) Total dust	136-78-7	---	---	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cresol (all isomers)	1319-77-3	5.0	22	---	---	---	---	X
Crotonaldehyde 4170-30-3	123-73-9;	2.0	6.0	---	---	---	---	---
Crufomate	299-86-5	---	5.0	---	---	---	---	---
Cumene	98-82-8	50	245	---	---	---	---	X
Cyanamide	420-04-2	---	2.0	---	---	---	---	---
Cyanide (as CN)	Varies with Compound	---	5.0	---	---	---	---	X
Cyanogen	460-19-5	10	20	---	---	---	---	---
Cyanogen chloride	506-77-4	---	---	---	---	0.3	0.6	---
Cyclohexane	110-82-7	300	1,050	---	---	---	---	---
Cyclohexanol	108-93-0	50	200	---	---	---	---	X
Cyclohexanone	108-94-1	25	100	---	---	---	---	X
Cyclohexene	110-83-8	300	1,015	---	---	---	---	---
Cyclohexylamine	108-91-8	10	40	---	---	---	---	---
Cyclonite (see RDX)	121-82-4	---	1.5	---	---	---	---	X
Cyclopentadiene	542-92-7	75	200	---	---	---	---	---
Cyclopentane	287-92-3	600	1,720	---	---	---	---	---
Cyhexatin	13121-70-5	---	5.0	---	---	---	---	---
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	---	10	---	---	---	---	---

DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	---	1.0	---	---	---	---	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	---	---	---	---	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	---	---	X
Demeton	8065-48-3	0.01	0.1	---	---	---	---	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	---	---	---	---	---
1, 2-Diaminoethane (see Ethylenediamine)	---	---	---	---	---	---	---	---
Diazinon	333-41-5	---	0.1	---	---	---	---	X
Diazomethane	334-88-3	0.2	0.4	---	---	---	---	---
Diborane	19287-45-7	0.1	0.1	---	---	---	---	---
Dibrom, (see Naled)	---	---	---	---	---	---	---	---
1, 2-Dibromo-3-chloropropane (see WAC 296-62-07345)	96-12-3	---	---	---	---	---	---	---
2-N-Dibutylamino ethanol	102-81-8	2.0	14	---	---	---	---	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	---	---	---
Dibutyl phthalate	84-74-2	---	5.0	---	---	---	---	---
Dichloroacetylene	7572-29-4	---	---	---	---	0.1	0.4	---
o-Dichlorobenzene	95-50-1	---	---	---	---	50	300	---
p-Dichlorobenzene	106-46-7	75	450	110	675	---	---	---
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	---	---	---	---	---	---	---
Dichlorodifluoromethane	75-71-8	1,000	4,950	---	---	---	---	---
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	---	0.2	---	0.4	---	---	---
1, 1-Dichloroethane	75-34-3	100	400	---	---	---	---	---
1, 2-Dichloroethane (see Ethylene dichloride)	---	---	---	---	---	---	---	---
1, 2-Dichloroethylene	540-59-0	200	790	---	---	---	---	---
1, 1-Dichloroethylene (see Vinylidene chloride)	---	---	---	---	---	---	---	---
Dichloroethyl ether	111-44-4	5.0	30	10	60	---	---	X
Dichlorofluoromethane	75-43-4	10	40	---	---	---	---	---
Dichloromethane (see Methylene chloride)	---	---	---	---	---	---	---	---
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	---	---	---	---
1, 2-Dichloropropane (see Propylene dichloride)	---	---	---	---	---	---	---	---
Dichloropropene	542-75-6	1.0	5.0	---	---	---	---	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	---	---	---	---	---
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	---	---	---	---	---
Dichlorvos (DDVP)	62-73-7	0.1	1.0	---	---	---	---	X
Dicrotophos	141-66-2	---	0.25	---	---	---	---	X
Dicyclopentadiene	77-73-6	5.0	30	---	---	---	---	---
Dicyclopentadienyl iron Total dust	102-54-5	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Dieldrin	60-57-1	---	0.25	---	---	---	---	X
Diethanolamine	111-42-2	3.0	15	---	---	---	---	---
Diethylamine	109-89-7	10	30	25	75	---	---	---
2-Diethylaminoethanol	100-37-8	10	50	---	---	---	---	X
Diethylene triamine	111-40-0	1.0	4.0	---	---	---	---	X
Diethyl ether (see Ethyl ether)	---	---	---	---	---	---	---	---
Diethyl ketone	96-22-0	200	705	---	---	---	---	---
Diethyl phthalate	84-66-2	---	5.0	---	---	---	---	---
Difluorodibromomethane	75-61-6	100	860	---	---	---	---	---
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	---	---	---	---	---
Dihydroxybenzene (see Hydroquinone)	---	---	---	---	---	---	---	---
Diisobutyl ketone	108-83-8	25	150	---	---	---	---	---

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Diisopropylamine	108-18-9	5.0	20	---	---	---	---	X
Dimethoxymethane (see Methylal)	---	---	---	---	---	---	---	---
Dimethyl acetamide	127-19-5	10	35	---	---	---	---	X
Dimethylamine	124-40-3	10	18	---	---	---	---	---
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	---	---	---	---	---	---	---
Dimethylaminobenzene (see Xylidene)	---	---	---	---	---	---	---	---
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	---	---	X
Dimethylbenzene (see Xylene)	---	---	---	---	---	---	---	---
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	---	3.0	---	---	---	---	X
Dimethylformamide	68-12-2	10	30	---	---	---	---	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	---	---	---	---	---	---	---	---
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	---	---	---	---	X
Dimethyl phthalate	131-11-3	---	5.0	---	---	---	---	---
Dimethyl sulfate	77-78-1	0.1	0.5	---	---	---	---	X
Dinitolmide	148-01-6	---	5.0	---	---	---	---	---
(3, 5-Dinitro-o-toluamide)	---	---	5.0	---	---	---	---	---
Dinitrobenzene (all isomers)	(alpha) 528-29-0; (meta) 99-65-0; (para) 100-25-4	0.15	1.0	---	---	---	---	X
Dinitro-o-cresol	534-52-1	---	0.2	---	---	---	---	X
Dinitrotoluene	25321-14-6	---	1.5	---	---	---	---	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	---	---	---	---	X
Dioxathion	78-34-2	---	0.2	---	---	---	---	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	---	---	---	---	---
Diphenylamine	122-39-4	---	10	---	---	---	---	---
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	---	---	---	---	---	---	---	---
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	---	---	X
Dipropyl ketone	123-19-3	50	235	---	---	---	---	---
Diquat	85-00-7	---	0.5	---	---	---	---	---
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	---	5.0	---	10	---	---	---
Disulfram	97-77-8	---	2.0	---	---	---	---	---
Disulfoton	298-04-4	---	0.1	---	---	---	---	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	---	10	---	---	---	---	---
Diuron	330-54-1	---	10	---	---	---	---	---
Divinyl benzene	1321-74-0	10	50	---	---	---	---	---
Emery	12415-34-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Endosulfan (Thiodan)	115-29-7	---	0.1	---	---	---	---	X
Endrin	72-20-8	---	0.1	---	---	---	---	X
Epichlorhydrin	106-89-8	2.0	8.0	---	---	---	---	X
EPN	2104-64-5	---	0.5	---	---	---	---	X
1, 2-Epoxypropane (see Propylene oxide)	---	---	---	---	---	---	---	---
2, 3-Epoxy-1-propanol (see Glycidol)	---	---	---	---	---	---	---	---
Ethane	---	Simple	Asphyxiant	---	---	---	---	---
Ethanethiol (see Ethyl mercaptan)	---	---	---	---	---	---	---	---
Ethanolamine	141-43-5	3.0	8.0	6.0	15	---	---	---
Ethion	563-12-2	---	0.4	---	---	---	---	X
2-Ethoxyethanol	110-80-5	5.0	19	---	---	---	---	X

2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	---	---	---	---	X
Ethyl acetate	141-78-6	400	1,400	---	---	---	---	---
Ethyl acrylate	140-88-5	5.0	20	25	100	---	---	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	---	---	---	---	---
Ethylamine	75-04-07	10	18	---	---	---	---	---
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25	130	---	---	---	---	---
Ethyl benzene	100-41-4	100	435	125	545	---	---	---
Ethyl bromide	74-96-4	200	890	250	1,110	---	---	---
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	---	---	---	---	---
Ethyl chloride	75-00-3	1,000	2,600	---	---	---	---	---
Ethylene	74-85-1	Simple	Asphyxiant	---	---	---	---	---
Ethylene chlorohydrin	107-07-3	---	---	---	---	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	---	---	---	---	X
Ethylene dibromide	106-93-4	0.1	---	0.5	---	---	---	---
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	---	---	---
Ethylene glycol	107-21-1	---	---	---	---	50	125	---
Ethylene glycol dinitrate	628-96-6	---	---	---	0.1	---	---	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	---	5.0	24	---	---	---	---	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	---	---	---	---	---	---	X
Ethylene oxide (see WAC 296-62-07353)	75-21-8	1.0	2.0	---	---	---	---	---
Ethyl ether	60-29-7	400	1,200	500	1,500	---	---	---
Ethyl formate	109-94-4	100	300	---	---	---	---	---
Ethylidene chloride (see 1, 1-Dichloroethane)	---	---	---	---	---	---	---	---
Ethylidene norbornene	16219-75-3	---	---	---	---	5.0	25	---
Ethyl mercaptan	75-08-1	0.5	1.0	---	---	---	---	---
n-Ethylmorpholine	100-74-3	5.0	23	---	---	---	---	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	---	25	130	---	---	---	---	---
Ethyl silicate	78-10-4	10	85	---	---	---	---	---
Fenamiphos	22224-92-6	---	0.1	---	---	---	---	X
Fensulfothion (Dasanit)	115-90-2	---	0.1	---	---	---	---	---
Fenthion	55-38-9	---	0.2	---	---	---	---	X
Ferbam	14484-64-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Ferrovandium dust	12604-58-9	---	1.0	---	3.0	---	---	---
Fluorides (as F)	Varies	---	2.5	---	---	---	---	---
Fluorine	7782-41-4	0.1	0.2	---	---	---	---	---
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	---	---	---	---	1,000	5,600	---
Fonofos	944-22-9	---	0.1	---	---	---	---	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	1.0	---	2.0	---	---	---	---
Formamide	75-12-7	20	30	30	45	---	---	---
Formic acid	64-18-6	5.0	9.0	---	---	---	---	---
Furfural	98-01-1	2.0	8.0	---	---	---	---	X
Furfuryl alcohol	98-00-0	10	40	15	60	---	---	X
Gasoline	8006-61-9	300	900	500	1,500	---	---	---
Germanium tetrahydride	7782-65-2	0.2	0.6	---	---	---	---	---
Glass, fibrous or dust	---	---	10	---	---	---	---	---
Gluteraldehyde	111-30-8	---	---	---	---	0.2	0.8	---
Glycerin mist	56-81-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---

Respirable fraction	---	---	5.0	---	---	---	---	---
Glycidol (2, 3-Epoxy-1- propanol)	556-52-5	25	75	---	---	---	---	---
Glycol monoethyl ether (see 2-Ethoxyethanol)	---	---	---	---	---	---	---	---
Grain dust (oat, wheat, barley)	---	---	10	---	---	---	---	---
Graphite, natural	7782-42-5	---	---	---	---	---	---	---
Respirable dust	---	---	2.5	---	---	---	---	---
Graphite, Synthetic	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Guthion (see Azinphosmethyl)	---	---	---	---	---	---	---	---
Gypsum	13397-24-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Hafnium	7440-58-6	---	0.5	---	---	---	---	---
Helium	---	Simple	Asphyxiant	---	---	---	---	---
Heptachlor	76-44-8	---	0.5	---	---	---	---	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	---	---	---
2-Heptanone, (see Methyl n-amyI ketone)	---	---	---	---	---	---	---	---
3-Heptanone (see Ethyl butyl ketone)	---	---	---	---	---	---	---	---
Hexachlorobutadiene	87-68-3	0.02	0.24	---	---	---	---	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	---	---	---	---	---
Hexachloroethane	67-72-1	1.0	10	---	---	---	---	X
Hexachloronaphthalene	1335-87-1	---	0.2	---	---	---	---	X
Hexafluoroacetone	684-16-2	0.1	0.7	---	---	---	---	X
Hexane	---	---	---	---	---	---	---	---
n-hexane	110-54-3	50	180	---	---	---	---	---
other Isomers	Varies w/compound	500	1,800	1,000	3,600	---	---	---
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	---	---	---	---	---
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	---	---	---
sec-Hexyl acetate	108-84-9	50	300	---	---	---	---	---
Hexylene Glycol	107-41-5	---	---	---	---	25	125	---
Hydrazine	302-01-2	0.1	0.1	---	---	---	---	X
Hydrogen	---	Simple	Asphyxiant	---	---	---	---	---
Hydrogenated terphenyls	61788-32-7	0.5	5.0	---	---	---	---	---
Hydrogen bromide	10035-10-6	---	---	---	---	3.0	10	---
Hydrogen chloride	7647-01-0	---	---	---	---	5.0	7.0	---
Hydrogen cyanide	74-90-8	---	---	4.7	5.0	---	---	X
Hydrogen fluoride	7664-39-3	---	---	---	---	3.0	2.5	---
Hydrogen peroxide	7722-84-1	1.0	1.4	---	---	---	---	---
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	---	---	---	---	---
Hydrogen Sulfide	7783-06-4	10	14	15	21	---	---	---
Hydroquinone	123-31-9	---	2.0	---	---	---	---	---
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	---	---	---	---	---	---	---	---
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	---	---	---	---	X
Indene	95-13-6	10	45	---	---	---	---	---
Indium and compounds (as In)	7440-74-6	---	0.1	---	---	---	---	---
Iodine	7553-56-2	---	---	---	---	0.1	1.0	---
Iodoform	75-47-8	0.6	10	---	---	---	---	---
Iron oxide dust and fume (as Fe)	1309-37-1	---	---	---	---	---	---	---
Total particulate	---	---	5.0	---	---	---	---	---
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	---	---	---
Iron salts, soluble (as Fe)	Varies	---	1.0	---	---	---	---	---

PROPOSED

	w/compound							
Isoamyl acetate	123-92-2	100	525	---	---	---	---	---
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	---	---	---
Isobutyl acetate	110-19-0	150	700	---	---	---	---	---
Isobutyl alcohol	78-83-1	50	150	---	---	---	---	---
Isooctyl alcohol	26952-21-6	50	270	---	---	---	---	X
Isophorone	78-59-1	4.0	23	---	---	5.0	25	---
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	---	---	---	X
Isopropoxyethanol	109-59-1	25	105	---	---	---	---	---
Isopropyl acetate	108-21-4	250	950	310	1,185	---	---	---
Isopropyl alcohol	67-63-0	400	980	500	1,225	---	---	---
Isopropylamine	75-31-0	5.0	12	10	24	---	---	---
N-Isopropylaniline	768-52-5	2.0	10	---	---	---	---	X
Isopropyl ether	108-20-3	250	1,050	---	---	---	---	---
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	---	---	---
Kaolin								
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ketene	463-51-4	0.5	0.9	1.5	3.0	---	---	---
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	---	0.05	---	---	---	---	---
Lead arsenate (see WAC 296-62-07347)	3687-31-8	---	0.05	---	---	---	---	---
Lead chromate	7758-97-6	---	0.05	---	---	---	---	---
Limestone	1317-65-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Lindane	58-89-9	---	0.5	---	---	---	---	X
Lithium hydride	7580-67-8	---	0.025	---	---	---	---	---
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	---	---	---	---	---
Magnesite	546-93-0							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Magnesium oxide fume	1309-48-4	---	---	---	---	---	---	---
Total particulate	---	---	10	---	---	---	---	---
Malathion	121-75-5							
Total dust	---	---	10	---	---	---	---	X
Maleic anhydride	108-31-6	0.25	1.0	---	---	---	---	---
Manganese and compound (as Mn)	7439-96-5	---	---	---	---	---	5.0	---
Manganese tetroxide and fume (as Mn)	7439-96-5	---	1.0	---	3.0	---	---	---
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	---	0.1	---	---	---	---	X
Manganese tetroxide (as Mn)	1317-35-7	---	1.0	---	---	---	---	---
Marble	1317-65-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Mercury (aryl and inorganic) (as Hg)	7439-97-6	---	---	---	---	---	0.1	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	---	0.01	---	0.03	---	---	X
Mercury (vapor) (as Hg)	7439-97-6	---	0.05	---	---	---	---	X
Mesityl oxide	141-79-7	15	60	25	100	---	---	---
Methacrylic acid	79-41-4	20	70	---	---	---	---	X
Methane	---	Simple	Asphyxiant	---	---	---	---	---
Methanethiol (see Methyl mercaptan)	---	---	---	---	---	---	---	---
Methomyl (lannate)	16752-77-5	---	2.5	---	---	---	---	---
Methoxychlor	72-43-5							

Total dust	---	---	10	---	---	---	---	---
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	---	---	---	---	X
4-Methoxyphenol	150-76-5	---	5.0	---	---	---	---	---
Methyl acetate	79-20-9	200	610	250	760	---	---	---
Methyl acetylene (propyne)	74-99-7	1,000	1,650	---	---	---	---	---
Methyl acetylene-propadiene mixture (MAPP)	---	1,000	1,800	1,250	2,250	---	---	---
Methyl acrylate	96-33-3	10	35	---	---	---	---	X
Methylacrylonitrile	126-98-7	1.0	3.0	---	---	---	---	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	---	---	---	---	---
Methyl alcohol (methanol)	67-56-1	200	260	250	325	---	---	X
Methylamine	74-89-5	10	12	---	---	---	---	---
Methyl amyl alcohol (see Methyl isobutyl carbinol)	---	---	---	---	---	---	---	---
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	---	---	---	---	---
N-Methyl aniline (see Monomethyl aniline)	---	---	---	---	---	---	---	---
Methyl bromide	74-83-9	5.0	20	---	---	---	---	X
Methyl butyl ketone (see 2-Hexanone)	---	---	---	---	---	---	---	---
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	---	---	---	---	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	---	---	---	---	X
Methyl chloride	74-87-3	50	105	100	210	---	---	---
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	---	---	---
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	---	---	---	---	---	---	---
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	---	---	---
Methylcyclohexane	108-87-2	400	1,600	---	---	---	---	---
Methylcyclohexanol	25639-42-3	50	235	---	---	---	---	---
Methylcyclohexanone	583-60-8	50	230	75	345	---	---	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	---	0.2	---	---	---	---	X
Methyl demeton	8022-00-2	---	0.5	---	---	---	---	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	---	---	---	---	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	---	---	---	---	0.01	0.11	---
Methylene chloride	75-09-2	100	---	500	---	---	---	---
4, 4-Methylene dianiline	101-77-9	0.1	0.8	---	---	---	---	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	---	---	---	---	---	---	---
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	---	---	---	---	0.2	1.5	---
Methyl formate	107-31-3	100	250	150	375	---	---	---
5-Methyl-3-heptanone (see Ethyl amyl ketone)	---	---	---	---	---	---	---	---
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	---	---	---	---	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	---	---	---	---	X
Methyl isoamyl ketone	110-12-3	50	240	---	---	---	---	---
Methyl isobutyl carbinol	108-11-2	25	100	40	165	---	---	X
Methyl isobutyl ketone (see Hexone)	---	---	---	---	---	---	---	---

Methyl isocyanate	624-83-9	0.02	0.05	---	---	---	---	X
Methyl isopropyl ketone	563-80-4	200	705	---	---	---	---	---
Methyl mercaptan	74-93-1	0.5	1.0	---	---	---	---	---
Methyl methacrylate	80-62-6	100	410	---	---	---	---	---
Methyl parathion	298-00-0	---	0.2	---	---	---	---	X
Methyl propyl ketone (see 2-Pentanone)	---	---	---	---	---	---	---	---
Methyl silicate	684-84-5	1.0	6.0	---	---	---	---	---
alpha-Methyl styrene	98-83-9	50	240	100	485	---	---	---
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---
Mevinphos (see Phosdrin)	---	---	---	---	---	---	---	---
Metribuzin	21087-64-9	---	5.0	---	---	---	---	---
Mica (see Silicates)	---	---	---	---	---	---	---	---
Molybdenum (as Mo)	7439-98-7	---	---	---	---	---	---	---
Soluble compounds	---	---	5.0	---	---	---	---	---
Insoluble compounds	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Monocrotophos (Azodrin)	6923-22-4	---	0.25	---	---	---	---	---
Monomethyl aniline	100-61-8	0.5	2.0	---	---	---	---	X
Monomethyl hydrazine	---	---	---	---	---	0.2	0.35	---
Morpholine	110-91-8	20	70	30	105	---	---	X
Naled	300-76-5	---	3.0	---	---	---	---	X
Naphtha (Coal tar)	8030-30-6	100	400	---	---	---	---	X
Naphthalene	91-20-3	10	50	15	75	---	---	---
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	---	---	---	---	---	---	---
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	---	---	---	---	---	---	---
Neon	7440-01-9	Simple	Asphyxiant	---	---	---	---	---
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	---	---	---	---	---
Nickle, (as Ni)	7440-02-0	---	---	---	---	---	---	---
Metal and insoluble compounds	---	---	1.0	---	---	---	---	---
Soluble compounds	---	---	0.1	---	---	---	---	---
Nicotine	54-11-5	---	0.5	---	---	---	---	X
Nitrapyrin (see 2-Chloro-6 trichloromethyl pyridine)	1929-82-4	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Nitric acid	7697-37-2	2.0	5.0	4.0	10	---	---	---
Nitric oxide	10102-43-9	25	30	---	---	---	---	---
p-Nitroaniline	100-01-6	---	3.0	---	---	---	---	X
Nitrobenzene	98-95-3	1.0	5.0	---	---	---	---	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	---	---	---	---	---	---	---
p-Nitrochlorobenzene	100-00-5	---	0.5	---	---	---	---	X
4-Nitrodiphenyl (see WAC 296-62-073)	---	---	---	---	---	---	---	---
Nitroethane	79-24-3	100	310	---	---	---	---	---
Nitrogen	7727-37-9	Simple	Asphyxiant	---	---	---	---	---
Nitrogen dioxide	10102-44-0	---	---	1.0	1.8	---	---	---
Nitrogen trifluoride	7783-54-2	10	29	---	---	---	---	---
Nitroglycerin	55-63-0	---	---	---	0.1	---	---	X
Nitromethane	75-52-5	100	250	---	---	---	---	---
1-Nitropropane	108-03-2	25	90	---	---	---	---	---
2-Nitropropane	79-46-9	10	35	---	---	---	---	---
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	---	---	---	---	---	---	---
Nitrotoluene:	---	---	---	---	---	---	---	---
o-isomer	88-72-2	2.0	11	---	---	---	---	X
m-isomer	98-08-2	2.0	11	---	---	---	---	X

p-isomer	99-99-0	2.0	11	---	---	---	---	X
Nitrotirchloromethane (see Chloropicrin)	---	---	---	---	---	---	---	---
Nitrous Oxide	10024-97-2	<del>((30</del>	<del>54))</del>	---	---	---	---	---
		<u>50</u>	<u>90</u>					
(Nitrogen oxide)								
Nonane	111-84-2	200	1,050	---	---	---	---	---
Octachloronaphthalene	2234-13-1	---	0.1	---	0.3	---	---	X
Octane	111-65-9	300	1,450	375	1,800	---	---	---
Oil mist, mineral (particulate)	8012-95-1	---	5.0	---	---	---	---	---
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	---	---	---
Oxalic acid	144-62-7	---	1.0	---	2.0	---	---	---
Oxygen difluoride	7783-41-7	---	---	---	---	0.05	0.1	---
Ozone	10028-15-6	0.1	0.2	0.3	0.6	---	---	---
Paraffin wax fume	8002-74-2	---	2.0	---	---	---	---	---
Paraquat (Respirable dust)	4685-14-7	---	0.1	---	---	---	---	X
	1910-42-5							
	2074-50-2							
Parathion	56-38-2	---	0.1	---	---	---	---	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Particulates not otherwise regulated (see WAC 296-62-07510)	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	---	---	---
Pentachloronaphthalene	1321-64-8	---	0.5	---	---	---	---	X
Pentachlorophenol	87-86-5	---	0.5	---	---	---	---	X
Pentaerythritol	115-77-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Pentane	109-66-0	600	1,800	750	2,250	---	---	---
2-Pentanone	107-87-9	200	700	250	875	---	---	---
(methyl propyl ketone)								
Perchloroethylene	127-18-4	25	170	---	---	---	---	---
(tetrachloroethylene)								
Perchloromethyl mercaptan	594-42-3	0.1	0.8	---	---	---	---	---
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	---	---	---
Perlite	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Petroleum distillates (Naptha) (Rubber Solvent)	---	100	400	---	---	---	---	---
Phenol	108-95-2	5.0	19	---	---	---	---	X
Phenothiazine	92-84-2	---	5.0	---	---	---	---	X
p-Phenylene diamine	106-50-3	---	0.1	---	---	---	---	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	---	---	---	---	---
Phenyl ether-diphenyl mixture (vapor)	---	1.0	7.0	---	---	---	---	---
Phenylethylene, (see Styrene)	---	---	---	---	---	---	---	---
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	---	---	---	---	---
Phenylhydrazine	100-63-0	5.0	20	10	45	---	---	X
Phenyl mercaptan	108-98-5	0.5	2.0	---	---	---	---	---
Phenylphosphine	638-21-1	---	---	---	---	0.05	0.25	---
Phorate	298-02-2	---	0.05	---	0.2	---	---	X
Phosdrin (Mevinphos)	7786-34-7	0.01	0.1	0.03	0.3	---	---	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	---	---	---	---	---
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	---	---	---
Phosphoric acid	7664-38-2	---	1.0	---	3.0	---	---	---
Phosphorus (yellow)	7723-14-0	---	0.1	---	---	---	---	---

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Phosphorous oxychloride	10025-87-3	0.1	0.6	---	---	---	---	---
Phosphorus pentachloride	10026-13-8	0.1	1.0	---	---	---	---	---
Phosphorus pentasulfide	1314-80-3	---	1.0	---	3.0	---	---	---
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	---	---	---
Phthalic anhydride	85-44-9	1.0	6.0	---	---	---	---	---
m-Phthalodinitrile	626-17-5	---	5.0	---	---	---	---	---
Picloram	1918-02-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Picric acid	88-89-1	---	0.1	---	---	---	---	X
Pindone (see Pival)	83-26-1	---	0.1	---	---	---	---	---
(2-Pivalyl-1, 3-indandione)								
Piperazine dihydrochloride	142-64-3	---	5.0	---	---	---	---	---
Pival (see Pindone)	---	---	---	---	---	---	---	---
Plaster of Paris	26499-65-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Platinum (as Pt)	7440-06-4	---	---	---	---	---	---	---
Metal	---	---	1.0	---	---	---	---	---
Soluble salts	---	---	0.002	---	---	---	---	---
Polychlorobiphenyls (see Chlorodiphenyls)	---	---	---	---	---	---	---	---
Portland cement	65997-15-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Potassium hydroxide	1310-58-3	---	---	---	---	---	2.0	---
Propane	74-98-6	1,000	1,800	---	---	---	---	---
Propargyl alcohol	107-19-7	1.0	2.0	---	---	---	---	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	---	---	---	---	---	---	---
Propionic acid	79-09-4	10	30	---	---	---	---	---
Propoxur (Baygon)	114-26-1	---	0.5	---	---	---	---	---
n-Propyl acetate	109-60-4	200	840	250	1,050	---	---	---
n-Propyl alcohol	71-23-8	200	500	250	625	---	---	X
n-Propyl nitrate	627-13-4	25	105	40	170	---	---	---
Propylene	---	Simple	Asphyxiant	---	---	---	---	---
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	---	---	---
Propylene glycol dinitrate	6423-43-4	0.05	0.3	---	---	---	---	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	---	---	---
Propylene imine	75-55-8	2.0	5.0	---	---	---	---	X
Propylene oxide	75-56-9	20	50	---	---	---	---	---
Propyne, (see Methyl acetylene)	---	---	---	---	---	---	---	---
Pyrethrum	8003-34-7	---	5.0	---	---	---	---	---
Pyridine	110-86-1	5.0	15	---	---	---	---	---
Quinone	106-51-4	0.1	0.4	---	---	---	---	---
RDX (see Cyclonite)	---	---	1.5	---	---	---	---	X
Resorcinol	108-46-3	10	45	20	90	---	---	---
Rhodium (as Rh)	7440-16-6	---	---	---	---	---	---	---
Insoluble compounds, Metal fumes and dusts	---	---	0.1	---	---	---	---	---
Soluble compounds, salts	---	---	0.001	---	---	---	---	---
Ronnell	299-84-3	---	10	---	---	---	---	---
Rosin core solder, pyrolysis products (as formaldehyde)	---	---	0.1	---	---	---	---	---
Rotenone	83-79-4	---	5.0	---	---	---	---	---
Rouge	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Rubber solvent (naphtha)	8002-05-9	100	400	---	---	---	---	---

Selenium compounds (as Se)	7782-49-2	---	0.2	---	---	---	---	---
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	---	---	---	---	---
Sesone (see Crag herbicide)	---	---	---	---	---	---	---	---
Silane (see Silicon tetrahydride)	---	---	---	---	---	---	---	---
Silica, amorphous, precipitated and gel	112926-00-8	---	6.0	---	---	---	---	---
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	---	6.0	---	---	---	---	---
Total dust	---	---	6.0	---	---	---	---	---
Respirable fraction	---	---	3.0	---	---	---	---	---
Silica, crystalline cristobalite, respirable dust	14464-46-1	---	0.05	---	---	---	---	---
Silica, crystalline quartz, respirable dust	14808-60-7	---	0.1 g/ h/	---	---	---	---	---
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	---	0.1	---	---	---	---	---
Silica, crystalline tridymite, respirable dust	15468-32-3	---	0.05	---	---	---	---	---
Silica, fused, respirable dust	60676-86-0	---	0.1	---	---	---	---	---
Silicates (less than 1% crystalline silica:								
Mica (Respirable dust)	12001-26-2	---	3.0	---	---	---	---	---
Soapstone, Total dust	---	---	6.0	---	---	---	---	---
Soapstone, Respirable dust	---	---	3.0	---	---	---	---	---
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07517)								
Talc (containing no asbestos), Respirable dust	14807-96-6	---	2.0	---	---	---	---	---
Tremolite (see WAC 296-62-07517)								
Silicon	7440-21-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon Carbide	409-21-2							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon tetrahydride	7803-62-5	5.0	7.0	---	---	---	---	---
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	---	0.01	---	---	---	---	---
Soapstone (see Silicates)	---	---	---	---	---	---	---	---
Sodium azide	26628-22-8	---	---	---	---	---	---	---
(as HN3)	---	---	---	---	---	0.1	0.3	X
(as NaN3)	---	---	---	---	---	0.1	0.3	X
Sodium bisulfite	7631-90-5	---	5.0	---	---	---	---	---
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	---	---	---	---	---	---	---	---
Sodium fluoroacetate	62-74-8	---	0.05	---	0.15	---	---	X
Sodium hydroxide	1310-73-2	---	---	---	---	---	2.0	---
Sodium metabisulfite	7681-57-4	---	5.0	---	---	---	---	---
Starch	9005-25-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Stibine	7803-52-3	0.1	0.5	---	---	---	---	---
Stoddard solvent	8052-41-3	100	525	---	---	---	---	---

Strychnine	57-24-9	---	0.15	---	---	---	---	---
Styrene	100-42-5	50	215	100	425	---	---	---
Subtilisins	9014-01-1	---	---	---	0.00006 (60 min.)j/	---	---	---
Sucrose	57-50-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Sulfotep (see TEDP)	---	---	---	---	---	---	---	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	13	---	---	---
Sulfur hexafluoride	2551-62-4	1,000	6,000	---	---	---	---	---
Sulfuric acid	7664-93-9	---	1.0	---	---	---	---	---
Sulfur monochloride	10025-67-9	---	---	---	---	1.0	6.0	---
Sulfur pentafluoride	5714-22-1	---	---	---	---	0.01	0.1	---
Sulfur tetrafluoride	7783-60-0	---	---	---	---	0.1	0.4	---
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	---	---	---
Sulprofos	35400-43-2	---	1.0	---	---	---	---	---
Systox (see Demeton)	---	---	---	---	---	---	---	---
2, 4, 5-T	93-76-5	---	10	---	---	---	---	---
Talc (see Silicates)	---	---	---	---	---	---	---	---
Tantalum	7440-25-7	---	5.0	---	---	---	---	---
Metal and oxide dusts	---	---	---	---	---	---	---	---
TEDP (Sulfotep)	3689-24-5	---	0.2	---	---	---	---	X
Tellurium and compounds (as Te)	13494-80-9	---	0.1	---	---	---	---	---
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	---	---	---	---	---
Temephos	3383-96-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
TEPP	107-49-3	0.004	0.05	---	---	---	---	X
Terphenyls	26140-60-3	---	---	---	---	0.5	5.0	---
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	---	---	---	---	X
Tetrachloroethylene (see Perchloroethylene)	---	---	---	---	---	---	---	---
Tetrachloromethane (see Carbon tetrachloride)	---	---	---	---	---	---	---	---
Tetrachloronaphthalene	1335-88-2	---	2.0	---	---	---	---	X
Tetraethyl lead (as Pb)	78-00-2	---	0.075	---	---	---	---	X
Tetrahydrofuan	109-99-9	200	590	250	735	---	---	---
Tetramethyl lead (as Pb)	75-74-1	---	0.075	---	---	---	---	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	---	---	---	---	X
Tetranitromethane	509-14-8	1.0	8.0	---	---	---	---	---
Tetrasodium pyrophosphate	7722-88-5	---	5.0	---	---	---	---	---
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	---	1.5	---	---	---	---	X
Thallium (soluble compounds) (as Tl)	7440-28-0	---	0.1	---	---	---	---	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Thioglycolic acid	68-11-1	1.0	4.0	---	---	---	---	X
Thionyl chloride	7719-09-7	---	---	---	---	1.0	5.0	---
Thiram (see WAC 296-62-07519)	137-26-8	---	5.0	---	---	---	---	---
Tin (as Sn) Inorganic compounds (except oxides)	7440-31-5	---	2.0	---	---	---	---	---
Tin, Organic compounds (as Sn)	7440-31-5	---	0.1	---	---	---	---	X
Tin Oxide (as Sn)	21651-19-4	---	2.0	---	---	---	---	---

Titanium dioxide	13463-67-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Toulene	108-88-3	100	375	150	560	---	---	---
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	---	---	---
m-Toluidine	108-44-1	2.0	9.0	---	---	---	---	X
o-Toluidine	95-53-4	2.0	9.0	---	---	---	---	X
p-Toluidine	106-49-0	2.0	9.0	---	---	---	---	X
Toxaphene	---	---	---	---	---	---	---	---
(see Chlorinated camphene)								
Tremolite (see Silicates)	---	---	---	---	---	---	---	---
Tributyl phosphate	126-73-8	0.2	2.5	---	---	---	---	---
Trichloroacetic acid	76-03-9	1.0	7.0	---	---	---	---	---
1, 2, 4-Trichlorobenzene	120-82-1	---	---	---	---	5.0	40	---
1, 1, 1-Trichloroethane	---	---	---	---	---	---	---	---
(see Methyl chloroform)								
1, 1, 2-Trichloroethane	79-00-5	10	45	---	---	---	---	---
Trichloroethylene	79-01-6	50	270	200	1,080	---	---	---
Trichlorofluoromethane	75-69-4	---	---	---	---	1,000	5,600	---
Trichloromethane	---	---	---	---	---	---	---	---
(see Chloroform)								
Trichloronaphthalene	1321-65-9	---	5.0	---	---	---	---	X
1, 2, 3-Trichloropropane	96-18-4	10	60	---	---	---	---	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	---	---	---
Tricyclohexyltin hydroxide	---	---	---	---	---	---	---	---
(see Cyhexatin)								
Triethylamine	121-44-8	10	40	15	60	---	---	---
Trifluorobromomethane	75-63-8	1,000	6,100	---	---	---	---	---
Trimellitic anhydride	552-30-7	0.005	0.04	---	---	---	---	---
Trimethylamine	75-50-3	10	24	15	36	---	---	---
Trimethyl benzene	25551-13-7	25	125	---	---	---	---	---
Trimethyl phosphite	121-45-9	2.0	10	---	---	---	---	---
2, 4, 6-Trinitrophenol	---	---	---	---	---	---	---	---
(see Picric acid)								
2, 4, 6-Trinitrophenyl- methylnitramine	---	---	---	---	---	---	---	---
(see Tetryl)								
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	---	0.5	---	---	---	---	X
Triorthocresyl phosphate	78-30-8	---	0.1	---	---	---	---	X
Triphenyl amine	603-34-9	---	5.0	---	---	---	---	---
Triphenyl phosphate	115-86-6	---	3.0	---	---	---	---	---
Tungsten (as W)	7440-33-7	---	---	---	---	---	---	---
Soluble compounds	---	---	1.0	---	3.0	---	---	---
Insoluble compounds	---	---	5.0	---	10	---	---	---
Turpentine	8006-64-2	100	560	---	---	---	---	---
Uranium (as U)	7440-61-1	---	---	---	---	---	---	---
Soluble compounds	---	---	0.05	---	---	---	---	---
Insoluble compounds	---	---	0.2	---	0.6	---	---	---
n-Valeraldehyde	110-62-3	50	175	---	---	---	---	---
Vanadium (as V2O5)	1314-62-1	---	0.05	---	---	---	---	---
Respirable dust and fume								
Vegetable oil mist	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Vinyl acetate	108-05-1	10	30	20	60	---	---	---
Vinyl benzene (see Styrene)	---	---	---	---	---	---	---	---
Vinyl bromide	593-60-2	5.0	20	---	---	---	---	---
Vinyl chloride	75-01-4	---	---	---	---	---	---	---
(see WAC 296-62-07329)								
Vinyl cyanid	---	---	---	---	---	---	---	---
(see Acrylonitrile)								

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Vinyl cyclohexene dioxide	106-87-6	10	60	---	---	---	---	X
Vinyl toluene	25013-15-4	50	240	---	---	---	---	---
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	---	---	---	---	---
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	---	---	---
Warfarin	81-81-2	---	0.1	---	---	---	---	---
Welding fumes f/ (total particulate)	---	---	5.0	---	---	---	---	---
Wood dust:	---	---	---	---	---	---	---	---
Nonallergenic;								
All soft woods and hard woods except allergenics	---	---	5.0	---	10	---	---	---
Allergenics; (e.g. cedar, mahogany and teak)	---	---	2.5	---	---	---	---	---
Xylenes(Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	---	---	---
m-Xylene alpha, alpha-diamine	1477-55-0	---	---	---	---	---	0.1	X
Xylidine	1300-73-8	2.0	10	---	---	---	---	X
Yttrium	7440-65-5	---	1.0	---	---	---	---	---
Zinc chloride fume	7646-85-7	---	1.0	---	2.0	---	---	---
Zinc chromate (as CrO3)	Varies w/compound	---	0.05	---	---	---	0.1	---
Zinc oxide	1314-13-2							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Zinc oxide fume	1314-13-2	---	5.0	---	10	---	---	---
Zinc stearate	557-05-1							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Zirconium compounds (as Zr)	7440-67-2	---	5.0	---	10	---	---	---

- Notes: a/ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr.).
- b/ Milligrams of substance per cubic meter of air. When a numerical entry for a substance is in the mg/m<sup>3</sup> column and not in the ppm column, then the number in the mg/m<sup>3</sup> column is exact. When numerical entries for a substance are in both the ppm and mg/m<sup>3</sup> columns, then the number in the ppm column is exact and the number in the mg/m<sup>3</sup> column may be rounded off.
- c/ Duration is for 15 minutes, unless otherwise noted.
- d/ The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).
- e/ This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing)

- and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.
- f/ As determined from breathing-zone air samples.
- g/ Total dust formula for Silica (as quartz) is:  

$$\frac{30 \text{ mg/m}^3}{\% \text{ SiO}_2 + 3}$$
- h/ Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit_density_sphere)	Percent_passing_selector
2	90
2.5	75
3.5	50
5.0	25
10	0

containing less than 1% quartz. If 1% quartz, use quartz limit.

The measurements under this note refer to the use of an AEC (now NRC) instrument. The respirable fraction of coal dust is determined with an MRE the figure corresponding to that of 2.4 mg/m<sup>3</sup> in the table for coal dust is 4.5 mg/m<sup>3</sup>.

PROPOSED

- Notes: i/ The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS number for the metal is given — not CAS numbers for the individual compounds.
- j/ Compliance with the subtilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.
- m/ Sampling for the carbon monoxide ceiling shall be averaged over 5 minutes but an instantaneous reading over 1500 ppm shall not be exceeded.

TABLE 2  
TRANSITIONAL LIMITS

The transitional limits listed are in effect until December 31, 1992. These limits require the use of engineering controls, where feasible, the additional protection to achieve the more protective limits listed in Table 1 may be achieved using protective control measures as set forth in WAC 296-62-07501(3).

Substance	PEL		Acceptable Ceiling Concentration	
	ppm	mg/m <sup>3</sup>	ppm	mg/m <sup>3</sup>
Carbon disulfide	10	---	15	---
Carbon monoxide	50	55	---	---
Carbon tetrachloride	5.0	---	20	---
Chloroform (Trichloro-methane)	10	50	50	240
Coal dust-respirable (less than 5% SiO <sub>2</sub> )	---	2.4	---	---
Cobalt metal, dust and fume (as Co)	---	0.1	---	---
Ethylene dichloride	10	---	15	---
Ethylene glycol dinitrate	0.05	0.3	0.2	1.0
Nitrogen dioxide	---	---	5.0	9.0
Nitroglycerin	0.05	0.5	0.2	2.0
Perchloroethylene (Tetra-chloroethylene)	50	---	200	---
Styrene	100	---	200	---

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

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

**WAC 296-78-56505 Boats and mechanical devices on waters.** (1) The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302-1994, shall be complied with. Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin-type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) Decks of pond boats shall be covered with nonslip material. On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. On log broncs, boom-scooters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) When work is assigned over water where the vertical drop from the accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.

(d) Lines attached to life rings on fixed locations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(g) Log broncs, boomscoters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(h) Boats shall not be operated at an excessive speed or handled recklessly.

PROPOSED

(i) Boat fuel shall be transported and stored in approved containers. Refer to WAC 296-24-58501(19) for definition of approved.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-56513 Log carriages.** (1) Carriages upon which employees are required to work shall be solidly decked over.

(2) Dogs. Dogging devices shall be adequate to secure logs, cants, or boards, during sawing operations.

(3) The feed control lever of friction or belt driven carriage feed works shall be arranged to operate away from the saws or carriage track.

(4) A quick action valve, controlled from the sawyer's stand, shall be located in the steam line to any steam operated feed works. The valve shall be tested daily.

(5) Valves in steam feeds shall be closed and locked in a neutral position before the sawyer leaves his station. Leaking steam valves or piping shall not be used on carriage drives.

(6)(a) Where employees ride the headrig carriage, clearance of the rear edge of the carriage shall be either not more than two inches or shall be not less than thirty inches from the side wall of the building. The side wall shall be boarded over smoothly to height of not less than six feet six inches from the setter's platform and for at least the length of the carriage travel. Where the clearance is thirty inches or more the floor between the back side of the setter's platform and the wall shall be raised to the level of the platform. The clearance between the floor edge and the platform shall not be more than two inches.

(b) Barriers and warning signs. A barrier shall be provided to prevent employees from entering the space necessary for travel of the carriage, with headblocks fully retracted, for the full length and extreme ends of carriage runways. Warning signs shall be posted at possible entry points to this area.

(7) Safe access to the head rig shall be provided.

(8) No roof truss or roof timber or other obstruction shall be located within six feet six inches of the upper surface of the setter's platform on any carriage.

(9) Doors which lead onto a passageway at the end or side of the carriage runway shall be provided with a handrail opposite such doorway. Handrail shall not be less than eighteen inches from the carriage run. A warning sign shall be posted on the entrance side of such doorways.

(10) A stop or bumper capable of stopping the loaded carriage at operating speed shall be installed at each end of the carriage run.

(11) Rail sweeps shall be installed in front of the front wheels in the direction of travel. Such sweeps shall extend to within one-fourth inch of the rail.

(12) Where power operated log turners are used, carriage knees shall be provided with goosenecks or other means of protecting the carriage crew from climbing logs.

(13) Employees shall use a stick or wire brush to clear head blocks of debris.

(14) All weakened or broken carriage boards which will not support the load to be imposed with a safety factor of 4, shall be immediately replaced.

(15) Carriage control. A positive means shall be provided to prevent unintended movement of the carriage. This may involve a control locking device, a carriage tie-down, or both.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-570 Band saws—Saws.** (1) Band head rigs shall be given a thorough daily inspection and any deficiency reported and corrected.

(2) Any band saw found to have developed a crack greater than one-tenth the width of the saw shall be removed from service until the width of the saw is reduced to eliminate the crack, the cracked section is removed, or the development of the crack in [is] arrested by welding.

(3) Band saws shall not be continued in use of the head rig for which they have been designed after they have been reduced forty percent in width.

(4) Leather gloves, or equivalent hand protection, shall be worn by employees while changing band saws.

(5) All head band saw wheels shall have a minimum rim thickness of five-eighths inch, except for a distance of not to exceed one inch from the front edge of the wheel.

(6) Provisions shall be made for alerting and warning employees before starting band head saws, and measures shall be taken to insure that all persons are in the clear.

(7) No band saw shall be run at a peripheral speed in excess of that recommended by the manufacturer. The manufacturer's recommended maximum speed shall be stamped in plainly legible figures on some portion of the assembly.

(8) A band wheel that has developed a crack in the rim shall be immediately removed from service. If a crack has developed in a spoke the wheel shall be removed from service until repaired.

(9) All band wheels shall be completely encased or guarded on both sides. The exposed part of the saw blade on the uptravel between the two wheels shall be encased, and no portion of the blade exposed, except such part of the cutting edge as is essential for sawing the material at hand.

(10) All band wheel guards shall be constructed of not less than ten U.S. gauge metal, or not less than two inch wood material or equivalent, attached to the frames. Ventilating ports shall not exceed 2 x 4 inches in size. Openings necessary for lubrication or repair of the saw shall have doors or gates of equivalent strength to the remainder of the guard, and such doors or gates shall be securely closed during operation.

(11) Every band mill shall be equipped with a saw catcher, rest or guard of substantial construction.

(12) All band saws other than head mills shall be enclosed or guarded except the working side of the blade between the guide and the table. The guard for the portion of the saw between the sliding guide and the upper saw wheel guard shall be adjusted with the guide.

(13) Each gang ripper of band or straight saw type shall have the cutting edges of the saw guarded by a hood or screen secured to the framework of the machine.

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 81-21, filed 8/27/81)

**WAC 296-78-580 Edgers.** (1) Edgers shall be guarded by a metal housing of ten gauge sheet metal, ten gauge by one-half inch mesh wire, screen, or by a baffle of not less than two inch wood material.

(2) Openings in end frames shall be enclosed with sheet metal, wire screen or wood and may be hinged or arranged to permit oiling and removal of saws.

(3) The top of the edger shall be guarded to prevent contact by employees or debris being thrown and all chains and gears fully enclosed as required by WAC 296-78-710 of this chapter.

(4) Vertical arbor edgers installed ahead of the main saw shall be so located and guarded that an employee cannot contact any part of the edger saws from his normal operating position.

(5) Edgers shall not be located in the main roll case behind the head saw.

(6) All edgers shall be equipped with pressure feed rolls. The controls shall be installed and located so that from the normal work station the operator can quickly stop the infeed drive without releasing the hold down tension of the pressure rolls.

(7) All edgers shall be provided with a method of preventing or guarding against kickbacks. Finger units or dogs installed at the edger, or hinged steel plates suspended across the feed table may be used for this purpose. A kickback barricade, in line with the edger, if fenced off may be used.

(8) Pressure and feed rolls on edgers shall be guarded against accidental contact by means of roll covers, bars or strips. The pressure rolls shall not be lifted while stock is being run, or while any person is in line with the feed side of the saws.

(9) Edger men shall not raise feed rolls and reach between saws while edger is in operation.

(10) Edger men shall not put hands on cants being run through the edger.

(11) Live rolls and rotating powered tailing devices in back of edger shall operate at a speed not less than the speed of the edger feed rolls.

(12) Tables in back of edgers shall be kept clear of cants, edgings and unnecessary debris.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-605 Swing saws.** (1) Manually operated swing cut-off saws of the following types shall be set up, guarded and operated in accordance with WAC 296-24-16515, general safety and health standards:

• Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and/or

• Saws on which the cutting stroke is propelled by hand pressure; and/or

• Saws on which the operator is within arm's reach of the blade when the operator is standing at the operator's control station and the blade is fully extended to the limit of operating travel.

(2) Operators of hand operated swing saws shall not stand directly in front of saw while making a cut.

(3) Swing cut-off saws which are fed by powered live rolls, conveyor chains and/or belts and which are operated from a remote operator's station (defined as being beyond arm's reach of the blade when the blade is fully extended to the limit of operating travel) shall be set up, guarded and operated in accordance with the following:

(a) Overhead swing cut-off saws shall be guarded by a hood which shall cover the upper half of the cutting edge at least to the depth of the teeth.

~~((2))~~ (b) The driving belts on overhead swing cut-off saws, where exposed to contact, shall be provided with guards as required by WAC ~~((296-78-030))~~ 296-78-71505.

~~((3))~~ (c) Saws shall be completely enclosed when in idle position.

~~((4))~~ (d) Power operated swing saws shall have controls so arranged that the operators will not stand directly in front of saw when making cut.

~~((5))~~ (e) All swing saws shall be equipped with a counter balance which shall be permanently fastened to the frame of the saw and so arranged or adjusted that it will return the saw beyond the rear edge of the table or roll case without a rebounding motion. Wire rope, chain or nonmetallic rope running to a weight over a sheave shall not be used for attaching counter balance.

~~((6))~~ (f) No swing cut-off or trim saw shall be located directly in line with stock coming from an edger.

~~((7))~~ (g) Swing limit stops shall be provided and so adjusted that at no time shall the forward swing of the saw extend the cutting edge of the saw beyond a line perpendicular with the edge of the saw table, roll case, guard or barrier.

~~((8))~~ (h) Saws that are fed into the cut by means of air, steam, hydraulic cylinders, or other power device or arrangement shall be designed so they can be locked or rendered inoperative.

~~((9))~~ (i) Foot treadle operated saws shall be provided with safeguards to prevent accidental contact.

~~((10))~~ (j) Swing saws on log decks shall be equipped with a positive stop for the protection of persons who may be on the opposite side of the log haul chute.

~~((11))~~ Operators of hand operated swing saws shall not stand directly in front of saw while making cut.

~~((12))~~ (k) Tables or roll casings for swing saws shall be provided with stops or lineup rail to prevent material being pushed off on opposite side.

(4) Operators of hand operated swing saws shall not stand directly in front of saw while making cut.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-620 Miscellaneous woodworking machines—Planers, stickers, molders, matchers.** (1) Each planing, molding, sticking and matching machine shall have all cutting heads, and saws if used, covered by a solid metal guard. If such guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.

(2) Planers, stickers, molding, sticking and matching machines shall be provided with exhaust fans, hoods and dust conveyors to remove the harmful dusts, etc., from the vicinity of the operator. Such hoods may be arranged to serve as guards for cutting heads.

(3) Planers and other machinery or equipment shall not be oiled while in motion, unless provided with guards or other devices to permit oiling without any possibility of contact with moving parts of machinery.

(4) Feed rolls shall be guarded by means of roll covers, bars or strips, attached to the roll frame in such manner as to remain in adjustment for any thickness of lumber.

(5)(a) Levers or controls shall be so arranged or guarded as to prevent accidental operation of machines.

(b) Foot treadle operated machines shall have a treadle guard fastened over the treadle.

(c) Locks, blocks, or other device shall be provided for positive immobilization of machine controls while repairs or adjustments are being made.

(6) Side head hoods shall be of sufficient height to safeguard the head set screw.

(7) Side heads shall not be adjusted while machine is in operation, except when extension adjusting devices are provided.

(8) Side belt and pulley guards shall be kept in place at all times the machine is in motion.

(9) All universal joints shall be enclosed.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-635 Jointers.** (1) Each hand feed jointer or buzz planer with horizontal head shall be provided with an automatic guard over the cutting head both in front of and in back of the guide.

(2) Each jointer or buzz planer with horizontal head shall be equipped with a cylindrical cutting head, the throat of which shall not exceed three-eighths inch in depth or one-half inch in width. The knife projection shall not exceed one-eighth inch beyond the cylindrical body of the head.

(3) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than one-eighth inch. The table throat opening shall be not more than two and one-half inches when tables are set or aligned with each other for zero cut.

(4) Each jointer or buzz planer with vertical head shall be guarded by an exhaust hood or other approved device which shall completely enclose the revolving head except for a slot sufficiently wide to permit the application of material. The guard shall effectively protect the operator's hand from

coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.

~~((4))~~ (5) Push sticks shall be provided and used for feeding stock through hand operated jointers or buzz planers.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-650 Boring and mortising machines.** (1) Boring and mortising machines shall be provided with safety bit chucks without projecting set screws. Automatic machines shall be provided with point of operation guards. When necessary to prevent material from revolving with the bit, clamps or stops shall be provided and used to hold material firmly against the guides.

(2) The requirements of WAC 296-24-16525, general safety and health standards, shall be applicable to boring and mortising machines.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-660 Lathe (pail and barrel).** (1) Each profile, swing-head and back-knife lathe shall have all cutting heads covered by a solid metal guard.

(2) If sheet metal is used, it shall be not less than ten U.S. gauge in thickness. If cast metal is used, it shall be not less than three-sixteenths inch thick, or if aluminum is used, it shall be not less than five-eighths inch thick. The hood of the exhaust system may form part or all of the guard. When so used, the hood shall be constructed of metal of a thickness not less than that specified above.

(3) Pail and barrel lathes shall be guarded in accordance with the specifications for profile and back-knife lathes insofar as they are applicable.

(4) The requirements of WAC 296-24-16531, general safety and health standards, shall be applicable to pail and barrel lathes.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-665 Sanding machines.** (1) Each belt sanding machine shall have both pulleys enclosed in such a manner as to guard the points where the belt runs onto the pulleys. The edges of the unused run of belt shall be enclosed or otherwise guarded from contact by employees.

(2) Each drum sanding machine shall be provided with a guard so arranged as to completely enclose the revolving drum except such portion required for the application of the material to be finished. Guards with hinges to facilitate the insertion of sandpaper may be installed. The exhaust hood may form part or all of this guard. When so used, the hood shall conform to the specifications as given under exhaust systems in WAC 296-78-710.

(3) All standard stationary sanding machines shall be provided with exhaust systems in conformity with the section of this code dealing with exhaust systems.

(4) All portable sanding machines shall be provided with means of removing excessive dust, or employees using

equipment shall be provided with such necessary respiratory protective equipment as will conform to the requirements of the general occupational health standards, chapter 296-62 WAC.

(5) The requirements of WAC 296-24-16533, general safety and health standards, shall be applicable to sanding machines.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-690 Veneer slicer and cutter.** (1) Each veneer slicer and each rotary veneer cutter shall have all revolving and other moving knives provided with guards.

(2) The requirements of WAC 296-24-16535, general safety and health standards, shall be applicable to veneer slicers and cutters.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-70503 Shake and shingle machinery—General.** (1) Track or swing cutoff circular saw.

(a) Manually operated track or swing circular cutoff saws of the following types shall be set up, guarded and operated in accordance with WAC 296-24-16515, general safety and health standards:

• Saws into which materials to be cut are fed or positioned and/or held in position by hand pressure during the cutting stroke; and

• Saws on which the cutting stroke is propelled by manual (hand) pressure; and

• Saws on which the operator is within arm's reach of the blade when the blade is fully extended to the limit of operating travel and the operator is standing at the operator's normal control station/location.

(b) Large track or swing circular cutoff saws into which materials to be cut are fed by powered live rolls, conveyor belts and/or chains and which are operated from a remote operator's control station, defined as beyond arm's reach when the blade is fully extended to the limit of operating travel, shall be set up, guarded and operated in accordance with the following:

(i) A power operated track or swing cutoff circular saw shall have controls so arranged that operators are not positioned directly in front of the saw while making a cut.

((b)) (ii) All track or swing cutoff circular saws shall be completely encased or guarded when the saw is in the retract position, except for that portion of the guard that must be left open for the operation of the saw.

((e)) (iii) Track or swing cutoff circular saw guards shall be constructed of sheet metal not less than one-eighth inch thick, or a wood guard of not less than nominal two inch thick wood material, or equivalent.

Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

((d)) (iv) The driving belt(s) on the track or swing cutoff circular saw shall be guarded in accordance with the general safety and health standard, WAC 296-24-205 through 296-24-20533.

((e)) (v) A safety catch shall be provided to prevent the track cutoff saw from leaving the track.

(2) Overhead deck splitter - panagraph.

(a) Panagraph splitters shall have a shroud incorporated on the upper pressure plate to eliminate the possibility of the splitter moving from the operating area. This shroud shall be constructed of solid design with a minimum width of three inches and a minimum thickness of three-eighths inch.

(b) Mechanically operated overhead splitters shall have handles moving opposite the stroke of the piston.

(c) When the leading edge of the panagraph splitter is completely extended, the maximum clearance from the deck to the splitting edge shall be two inches.

(3) Power splitter saw. Power splitters shall have spreaders behind the saw to prevent materials from squeezing the saw or being thrown back on the operator. The top of the saw shall be completely covered.

(4) Knee bolter circular saw.

(a) A safety catch shall be provided to prevent the bolter carriage from leaving the track.

(b) Bolter saws shall be provided with a canopy guard of sheet metal not less than one-eighth inch thick, or cast iron guard not less than three-sixteenths inch thick or a wood guard of not less than nominal four inch thick wood material or equivalent.

The bolter canopy guard shall completely enclose the rear portion of the saw. It shall be so arranged and adjusted as to cover the front of the saw; not to exceed twenty inches from the top of the carriage to the bottom of the guard on sixteen inch and eighteen inch block and twenty-six inches on twenty-four inch blocks, of the material being cut.

(c) Bolter saws shall be provided with wipers of belting or other suitable material. These wipers shall be installed on both sides of the saw in such a manner as to deflect knots, chips, slivers, etc., that are carried by the saw.

(d) A positive device shall be provided and used to manually lock and hold the feed table in the neutral position when not in use.

(e) That portion of all bolter saws which is below and behind the saw table shall be guarded by the exhaust hood or other device. Hinged or removable doors or gates will be permitted where necessary to permit adjusting and oiling.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71003 Floor and wall openings.** (1) All floor and wall openings either temporary or permanent, shall be protected as required by the general safety and health standards, WAC 296-24-750 through 296-24-75011.

(2) The area under floor openings shall, where practical, be fenced off. When this is not practical, the areas shall be plainly marked with yellow lines and telltails shall be installed to hang within five and one-half feet of the ground or floor level.

(3) Where floor openings are used to drop materials from one level to another, audible warning systems shall be installed and used to indicate to employees on the lower level that material is to be dropped.

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

**WAC 296-78-71015 Tanks and chemicals.** (1) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(2) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five feet above the ground a stairway or ladder shall be permanently attached.

(3) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(4) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall conform to the requirements of WAC 296-62-11021, open surface tanks.

(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, vapors, mists or gases that exceed the threshold limit values set forth in chapter 296-24 WAC, Part A-2, general safety and health standards, and chapter 296-62 WAC, Part E, general occupational health standards.

(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by chapter 296-24 WAC, Part A-2, general safety and health standards, and chapter 296-62 WAC, Part E, general occupational health standards.

(5)(a) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(b) Dip tanks containing flammable or combustible liquids shall be constructed, maintained and used in accordance with WAC 296-24-405 of the general safety and health standards.

(c) An evacuation plan shall be developed and implemented for all employees working in the vicinity of dip tanks using flammable and/or combustible liquids. A copy of the plan shall be available at the establishment for inspection at all times. Every employee shall be made aware of the evacuation plan and know what to do in the event of an emergency and be evacuated in accordance with the plan. The plan shall be reviewed with employees at least quarterly and documented.

(d) When automatic foam, automatic carbon dioxide or automatic dry chemical extinguishing systems are used, an alarm device shall be activated to alert employees in the dip tank area before and during the activation of the system. The following combinations of extinguishment systems when used in conjunction with the evacuation plan as stated above will be acceptable in lieu of bottom drains:

(i) A dip tank cover with an automatic foam extinguishing system under the cover, or an automatic carbon dioxide

system, or an automatic dry chemical extinguishing system, or an automatic water spray extinguishing system;

(ii) An automatic dry chemical extinguishing system with an automatic carbon dioxide system or a second automatic dry chemical extinguishing system or an automatic foam extinguishing system;

(iii) An automatic carbon dioxide system with a second automatic carbon dioxide system or an automatic foam extinguishing system.

(e) The automatic water spray extinguishing systems, automatic foam extinguishing systems, and dip tank covers shall conform with the requirements of WAC 296-24-405. The automatic carbon dioxide systems and dry chemical extinguishing system shall conform with the requirements of WAC 296-24-615 and 296-24-620.

(6) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber or other materials so treated, the workers shall be provided with, at no cost to the worker, and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(7) Sanitation requirements. The requirements of WAC 296-24-120 through 296-24-13013 of the general safety and health standards, shall govern sanitation practices.

(8) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor level. The floor adjacent thereto shall be of nonslip construction.

(9) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

(10) Covers shall be removed only from that portion of the steaming vats on which workers are working and a portable railing shall be placed at this point to protect the operators.

(11) Workers shall not ride or step on logs in steam vats.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-71017 Dry kilns.** (1) Dry kilns shall be so constructed upon solid foundations that tracks will not sag. Dry kilns shall be provided with suitable walkways. Each kiln shall have doors that operate from the inside and be provided with escape doors of adequate height and width to accommodate an average size man, that also operates from the inside, and shall be located in or near the main door. Escape doors shall swing in the direction of exit. Kiln doors and door carriers shall be fitted with safety devices to prevent the doors or carriers from falling.

(2) Ladders. A fixed ladder, in accordance with the requirements of WAC 296-24-810 through ~~((296-24-81009))~~ 296-24-81013 of the general safety and health standards, or other means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of WAC 296-24-765 through 296-24-76523 of the general safety and health standards.

(3) A heated room shall be provided for the use of the kiln operator in inclement weather. He should remain in such room for at least ten minutes after leaving a hot kiln before going to cold outside air.

(4) Where operating pits are used, they shall be well ventilated, drained and lighted. Substantial gratings shall be installed at the kiln floor line. Steam lines shall be provided with insulation wherever exposed to contact by employees. Fans shall be enclosed by standard safeguards.

(5) Mechanical equipment. All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with the requirements of WAC 296-24-205 through 296-24-20533 of the general safety and health standards.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-725 Nonionizing radiation.** (1) Only qualified and trained employees shall be assigned to install, operate, adjust, and maintain laser equipment. Proof of qualification of the laser equipment operator shall be available and in possession of operator at all times.

(2) ~~Employees, when working in areas in which a ((potential exposure to direct or reflected laser light greater than 0.005 watts (5 milliwatts) exists, shall be provided with antilaser safety goggles which will protect for the specific wavelength of the laser and be of optical density (O.D.) adequate for the energy involved))~~ potentially hazardous exposure (see WAC 296-62-09005(4)) to direct or reflected laser radiation exists, shall be provided with antilaser eye protection devices specified in WAC 296-62-09005, general occupational health standards.

(3) Areas in which lasers are used shall be posted with standard laser warning placards.

(4) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended for a substantial period of time, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off or shutters or caps shall be utilized.

(5) The laser beam shall not be directed at employees.

(6) Only mechanical or electronic means shall be used as a detector for guiding the internal alignment of the laser.

(7) The laser equipment shall bear such labels, logos and data placards to indicate maximum output and class designation as required of the manufacturer at time of sale, by I.A.W. Part 1040, CFR Title 21. Such labels, logos, data placards, etc., shall be maintained in a legible condition.

~~(((7)))~~ (8) When it is raining or snowing, or when there is dust or fog in the air, and it is impracticable to cease laser system operation, employees shall be kept out of range of the area of source and target during such weather conditions.

(9) Employees shall not be exposed to light intensities in excess of:

(a) Direct staring: One micro-watt per square centimeter;

(b) Incidental observing: One milliwatt per square centimeter;

(c) Diffused reflected light: Two and one-half watts per square centimeter.

~~(((8)))~~ (10) The laser equipment shall not be modified except by the manufacturer.

(11) Laser unit in operation shall be set up above the heads of the employees, when possible.

(12) Employees shall not be exposed to radio frequency/microwave radiation in excess of the permissible exposure limits specified in WAC 296-62-09005.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-750 Chains, wire rope, cables and fiber rope.** (1) Ropes, cables, slings, and chains.

(a) Safe usage. Ropes, cables, slings, and chains shall be used in accordance with safe use practices recommended by the manufacturer or within safe limits recommended by the equipment manufacturer when used in conjunction with it.

Work by qualified persons. Installation, inspection, maintenance, repair, and testing of ropes, cables, slings, and chains shall be done only by persons qualified to do such work.

(b) Proof testing. The employer shall ensure that before use, each new, repaired, or reconditioned alloy steel chain sling, including all welded components in the sling assembly, shall be proof tested by the sling manufacturer or equivalent entity, in accordance with paragraph 5.2 of the American Society of Testing and Materials Specification A391.65 (ANSI G61.1-1968). The employer shall retain the certificate of the proof test and shall make it available for examination. When a chain sling assembly is made up of segments of proof tested alloy chain and proof tested individual components such as mechanical coupling links, hooks and similar devices; it is not necessary to test the assembled unit, when appropriate test certification of individual components is available and the assembled sling is appropriately tagged by the manufacturer or equal entity. The sling shall not be used in excess of the rated capacity of the weakest component.

(c) Slings. Slings and their fittings and fastenings, when in use, shall be inspected daily for evidence of overloading, excessive wear, or damage. Slings found to be defective shall be removed from service.

(2) Proper storage shall be provided for slings while not in use.

(3) Protection shall be provided between the sling and sharp unyielding surfaces of the load to be lifted.

(4) Hooks. No open hook shall be used in rigging to lift any load where there is hazard from relieving the tension on the hook from the load or hook catching or fouling.

(5) Ropes or cables. Wire rope or cable shall be inspected when installed and once each day thereafter, when in use. It shall be removed from hoisting or load-carrying service when kinked or when one of the following conditions exist:

(a) When three broken wires are found in one lay of 6 by 6 wire rope.

(b) When six broken wires are found in one lay of 6 by 19 wire rope.

(c) When nine broken wires are found in one lay of 6 by 37 wire rope.

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(d) When eight broken wires are found in one lay of 8 by 19 wire rope.

(e) When marked corrosion appears.

(f) Wire rope of a type not described herein shall be removed from service when four percent of the total number of wires composing such rope are found to be broken in one lay.

(g) Condemned. When wire rope, slings or cables deteriorate through rust, wear, broken wires, kinking or other conditions, to the extent there is a reasonable doubt that the necessary safety factor is maintained, the use of such equipment shall be discontinued.

(6) Wire rope removed from service due to defects shall be plainly marked or identified as being unfit for further use on cranes, hoists, and other load-carrying devices.

(7) The ratio between the rope diameter and the drum, block, sheave, or pulley tread diameter shall be such that the rope will adjust itself to the bend without excessive wear, deformation, or injury. In no case shall the safe value of drums, blocks, sheaves, or pulleys be reduced when replacing such items unless compensating changes are made for rope used and for safe loading limits.

(8) Drums, sheaves, and pulleys. Drums, sheaves, and pulleys shall be smooth and free from surface defects liable to injure rope. Drums, sheaves, or pulleys having eccentric bores or cracked hubs, spokes, or flanges shall be removed from service.

(9) Connections. Connections, fittings, fastenings, and other parts used in connection with ropes and cables shall be of the quality, size and strength recommended by the manufacturer for the use intended. These connections shall be installed in accordance with the manufacturer's recommendations.

(10) Socketing, splicing, and seizing.

(a) Socketing, splicing, and seizing of cables shall be performed only by qualified persons.

(b) All eye splices shall be made in a manner recommended by the manufacturer and wire rope thimbles of proper size shall be fitted in the eye, except that in slings the use of thimbles shall be optional.

(11) Wire rope clips attached with U-bolts shall have these bolts on the dead or short end of the rope. The U-bolt nuts shall be retightened immediately after initial load carrying use and at frequent intervals thereafter. The number and spacing of clips shall be as follows:

Improved Plow Steel Diameter of Rope	Number of Clips (Drop Forged)	Required Other Material	Minimum Space Between Clips
3/8 to 5/8"	3	4	3-3/4"
3/4"	4	5	4-1/2"
7/8"	4	5	5-1/4"
1 "	5	6	6 "
1-1/8"	6	6	6-3/4"
1-1/4"	6	7	7-1/2"
1-3/8"	7	7	8-1/4"
1-1/2"	7	8	9 "

(a) When a wedge socket-type fastening is used, the dead or short end of the cable shall be clipped with a U-bolt or otherwise made secure against loosening.

(b) Fittings. Hooks, shackles, rings, pad eyes, and other fittings that show excessive wear or that have been bent,

twisted, or otherwise damaged shall be removed from service.

(12) Running lines. Running lines of hoisting equipment located within six feet six inches of the ground or working level shall be boxed off or otherwise guarded, or the operating area shall be restricted.

(13) Preventing abrasion. The reeving of a rope shall be so arranged as to minimize chafing or abrading while in use.

(14) Sheave guards. Bottom sheaves shall be protected by close fitting guards to prevent cable from jumping the sheave.

(15) There shall be not less than two full wraps of hoisting cable on the drums of cranes and hoists at all times of operation.

(16) Where the cables are allowed to pile on the drums of cranes, the drums shall have a flange at each end to prevent the cables from slipping off the drum.

(17) Chains. Chains used in load carrying service shall be inspected before initial use and weekly thereafter.

If at any time any three-foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(18) Chains shall be spliced in compliance with the requirements of the general safety and health standard, WAC 296-24-29413.

(19) Wherever annealing of chains is attempted, it shall be done in properly equipped annealing furnaces and under the direct supervision of a competent person thoroughly versed in heat treating.

Chain shall be normalized or annealed periodically as recommended by the manufacturer.

(20) Fiber rope.

(a) Frozen fiber rope shall not be used in load carrying service.

(b) Fiber rope that has been subjected to acid shall not be used for load carrying purposes.

(c) Fiber rope shall be protected from abrasion by padding where it is fastened or drawn over square corners or sharp or rough surfaces.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-800 Crane rail stops, bumpers and fenders.** (1) Rail stops shall be provided at both ends of the crane runway and at ends of the crane bridge. When two trolleys are operated on the same bridge rails, bumpers shall be provided to prevent collision of trolleys.

(2) Bumpers and rail stops shall extend at least as high as the centers of the wheel.

(3) Rail stops shall be fastened to the girders or girders and rails, but not to the rails alone. This does not apply to portable rail stops. Portable rail stops shall not be used as permanent rail stops.

(4) Rail stops shall be built up of plates and angles or be made of cast steel.

(5) Fenders shall be installed which extend below the lowest point of the treads of gantry type crane wheels. They shall be (~~(f-l-o-f)~~) of a shape and form that will tend to push

or raise an employee's hand, arm or leg off the rail and away from the wheel.

**AMENDATORY SECTION** (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-835 Vehicles.** (1) Vehicles.

(a) Scope. Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations, including log sorting yards.

(b) Lift trucks. Lift truck shall be designed, constructed, maintained and operated in accordance with the requirements of WAC 296-24-230 through 296-24-23035 of the general safety and health standards.

(c) Carriers. Drive chains on lumber carriers shall be adequately guarded to prevent contact at the pinch points.

(d)(i) Lumber carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(ii) Carriers shall be provided with ladders or equivalent means of access to the operator's platform or cab.

(e) Lumber hauling trucks.

(i) On trucks where the normal operating position is ahead of the load in the direction of travel, the cab shall be protected by a barrier at least as high as the cab. The barrier shall be capable of stopping the weight of the load capacity of the vehicle if the vehicle were to be stopped suddenly while traveling at its normal operating speed. The barrier shall be constructed in such a manner that individual pieces of a normal load will not go through openings in the barrier.

(ii) Stakes, stake pockets, racks, tighteners, and binders shall provide a positive means to secure the load against any movement during transit.

(iii) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(2) ~~((All vehicles used in a sawmill, lumber yard, factory or other establishment shall be equipped with audible warning signals that shall be maintained in good order at all times.))~~ Warning signals and spark arrestors. All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(3) Flywheels, gears, sprockets and chains and other exposed parts that constitute a hazard to workers shall be enclosed in standard guards.

(4) All vehicles operated after dark or in any area of reduced visibility shall be equipped with head lights and backup lights which adequately illuminate the direction of travel for the normal operating speed of the vehicle. The vehicle shall also be equipped with tail lights which are visible enough to give sufficient warning to surrounding traffic at the normal traffic operating speed.

(5) All vehicles operated in areas where overhead hazards exist shall be equipped with an overhead guard for the protection of the operator.

(6) Where vehicles are so constructed and operated that there is a possibility of the operator being injured by backing into objects, a platform guard shall be provided and so arranged as not to hinder the exit of the driver.

(7) Trucks, lift trucks and carriers shall not be operated at excessive rates of speed. When operating on tramways or

docks more than six feet above the ground or lower level they shall be limited to a speed of not more than twelve miles per hour. When approaching blind corners they shall be limited to four miles per hour.

(8) Vehicles shall not be routed across principal thoroughfares while employees are going to or from work unless pedestrian lanes are provided.

(a) Railroad tracks and other hazardous crossings shall be plainly posted and traffic control devices (American National Standard D8.1 - 1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(b) Restricted overhead clearance. All areas of restricted side or overhead clearance shall be plainly marked.

(c) Pickup and unloading points. Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(d) Aisles, passageways, and roadways. Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(9) Where an operator's vision is impaired by the vehicle or load it is carrying, he shall move only on signal from someone so stationed as to have a clear view in the direction the vehicle is to travel.

(10) Lift trucks shall be equipped, maintained and operated in compliance with the requirements of the general safety and health standard, WAC 296-24-230 through 296-24-23035.

(11) Load limits. No vehicle shall be operated with loads exceeding its safe load capacity.

(12) Vehicles with internal combustion engines shall not be operated in enclosed buildings or buildings with ceilings less than sixteen feet high unless the buildings have ventilation adequate to maintain air quality as required by the general occupational health standard, chapter 296-62 WAC.

(13) Vehicles shall not be refueled while motor is running. Smoking or open flames shall not be allowed in the refueling area.

(14) No employee other than trained operators or mechanics shall start the motor of, or operate any log or lumber handling vehicle.

(15) All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any grade or incline over which they may operate.

(16) Unloading equipment and facilities.

(a) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(b) The lifting cylinders of all hydraulically operated log handling machines, where the load is lifted by wire rope, shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(c) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(d) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(e) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(f) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with overhead protection.

(g) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(h) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

Lift trucks regularly used for transporting peeler blocks or cores shall have tusks or a similar type hold down device to prevent the blocks or cores from rolling off the forks.

(17) Where spinners are used on steering wheels, they shall be of the automatic retracting type or shall be built into the wheel in such a manner as not to extend above the plane surface of the wheel. Vehicles equipped with positive antikickback steering are exempted from this requirement.

(18) Mechanical stackers and unstackers shall have all gears, sprockets and chains exposed to the contact of workers, fully enclosed by guards as required by WAC 296-78-710 of this chapter.

(19) Manually operated control switches shall be properly identified and so located as to be readily accessible to the operator. Main control switches shall be so designed that they can be locked in the open position.

(20) Employees shall not stand or walk under loads being lifted or moved. Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(21) No person shall ride any lift truck or lumber carrier unless a suitable seat is provided, except for training purposes.

(22) Unstacking machines shall be provided with a stopping device which shall at all times be accessible to at least one employee working on the machine.

(23) Floor of unstacker shall be kept free of broken stickers and other debris. A bin or frame shall be provided to allow for an orderly storage of stickers.

(24) Drags or other approved devices shall be provided to prevent lumber from running down on graders.

(25) Liquified petroleum gas storage and handling. Storage and handling of liquified petroleum gas shall be in accordance with the requirements of WAC 296-24-475 through 296-24-47517 of the general safety and health standards.

(26) Flammable liquids. Flammable liquids shall be stored and handled in accordance with WAC 296-24-330 through 296-24-33019 of the general safety and health standards.

(27) Guarding side openings. The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(28) Guarding hoistway openings. When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(29) Guarding lower landing area. The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist

platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(30) Lumber lifting devices. Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(31) Inspection. At the start of each work shift, equipment operators shall inspect the equipment they will use for evidence of failure or incipient failure. Equipment found to have defects which might affect the operating safety shall not be used until the defects are corrected.

(32) Cleaning pits. Safe means of entrance and exit shall be provided to permit cleaning of pits.

(33) Preventing entry to hazardous area. Where the return of trucks from unstacker to stacker is by mechanical power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

**AMENDATORY SECTION** (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

**WAC 296-78-84005 Dry kilns.** (1) Transfer, kiln and dolly tracks shall be properly maintained at all times and shall have a grade of not more than one and one-fourth percent. Bumpers or stops shall be installed at the ends of all tracks capable of stopping a normal load for which the track is installed. A means shall be provided for chocking or blocking cars.

(2) Doors.

(a) Main kiln doors. Main kiln doors shall be provided with a method of holding them open while kiln is being loaded.

(b) Counterweights on vertical lift doors shall be boxed or otherwise guarded.

(c) Means shall be provided to firmly secure main doors, when they are disengaged from carriers and hangers, to prevent toppling.

(3) Kilns whose operation requires inside inspection shall be maintained with not less than eighteen inches clearance between loaded cars and the walls of the kiln. The requirements for personal protective equipment specified in chapter 296-24 WAC, Part A-2, general safety and health standards, and chapter 296-62 WAC, Part E, general occupational health standards, shall be complied with.

(4) Kiln loads shall be equipped or arranged for easy attachment and detachment of transfer cables. Means for stopping kiln cars shall be available at all times.

(5) Cars shall not be moved until tracks are clear and workers are out of the bight of transfer lines.

(6) When kiln or dolly loads of lumber are permitted to coast through or adjacent to any work area, audible warning shall be given.

(7) Stickers shall not be allowed to protrude more than two inches from the sides of kiln stacks.

(8) Yards and storage areas shall be kept reasonably free of debris and unnecessary obstruction. Warning signs shall be conspicuously posted wherever there is danger from moving vehicles or equipment.

AMENDATORY SECTION (Amending Order 81-21, filed 8/27/81)

**WAC 296-78-84007 Chippers and ((logs)) hogs.** (1) Chippers. The feed system to the chipper shall be arranged so the operator does not stand in direct line with the chipper spout (hopper). The chipper spout shall be enclosed to a height or distance of not less than forty inches from the floor or the operator's station. A safety belt and lifeline shall be worn by workers when working at or near the spout unless the spout is guarded. The lifeline shall be short enough to prevent workers from falling into the chipper.

(2) Hog mills shall be provided with feed chutes so designed and arranged that from no position on the rim of the chute shall the distance to the knives or feed roll be less than forty inches. Baffles shall be provided which shall effectively prevent material from being thrown from the mill.

(3) Employees feeding hog mills shall be provided with safety belts and lines, which they shall be required to use at all times, unless otherwise protected from any possibility of falling into the mill.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)**WAC 296-155-429 Lockout and tagging of circuits.**

(1) Controls. Controls that are deactivated during the course of work on energized or deenergized equipment or circuits shall be tagged and padlocked in the open position.

(2) Equipment and circuits. Equipment or circuits that are de-energized shall be rendered inoperative and have tags and locked padlocks attached at all points where such equipment or circuits can be energized.

(3) Tags. Tags shall be placed to identify plainly the equipment or circuits being worked on.

(4) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (a) of this subsection first, then (b) of this subsection).

Note 1: As used in this section, fixed equipment refers to equipment fastened in connected by permanent wiring methods.

Note 2: Lockout and tagging procedures that comply with chapter 296-24 WAC, Part A-4 will also be deemed to comply with this subsection provided that:

1. The procedures address the electrical safety hazards covered by this part; and
2. The procedures also incorporate the requirements of (c)(iv) and (d)(ii) of this subsection.

(a) Procedures. The employer shall maintain a written copy of the procedures outlined in this subsection and shall make it available for inspection by employees and by the director and his/her authorized representative.

Note: The written procedures may be in the form of a copy of WAC ((296-155-975)) 296-24-975(2).

(b) Deenergizing equipment.

(i) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(ii) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(iii) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger personnel.

Note: If the capacitors or associated equipment are handled in meeting this requirement, they shall be treated as energized.

(iv) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

(c) Application of locks and tags.

(i) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in (c)(iii) and (v) of this subsection. The lock shall be attached to prevent persons from operating the disconnecting means unless they resort to undue force or the use of tools.

(ii) Each tag shall contain a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(iii) If a lock cannot be applied, or if the employer can demonstrate that tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(iv) A tag used without a lock, as permitted by item (iii) of this subsection, shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(v) A lock may be placed without a tag only under the following conditions:

(A) Only one circuit or piece of equipment is deenergized; and

(B) The lockout period does not extend beyond the work shifts; and

(C) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

(d) Verification of deenergized condition. The requirements of this subsection shall be met before any circuits or equipment can be considered and worked as deenergized.

(i) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.

(ii) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the circuit elements and equipment parts are deenergized. The test shall also determine if any energized conditions exist as a result of inadvertently induced voltage or unrelated voltage

backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(e) Reenergizing equipment. These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

(i) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed, so that the circuits and equipment can be safely energized.

(ii) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(iii) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the work place, then the lock or tag may be removed by a qualified person designated to perform this task provided that:

(A) The employer ensures that the employee who applied the lock or tag is not available at the work place; and

(B) The employer ensures that the employee is aware that the lock or tag has been removed before he or she resumes work at that work place.

(iv) There shall be a visual determination that all employees are clear of the circuits and equipment.

PROPOSED

**WSR 96-10-001**  
**PERMANENT RULES**  
**HORSE RACING COMMISSION**

[Filed April 17, 1996, 2:15 p.m.]

Date of Adoption: April 16, 1996.

Purpose: Repeal existing WAC 260-70-010 through 260-70-300, Controlled medication program and replace with WAC 260-70-500 through 260-70-730, to bring into conformance with national model rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-70-010 through 260-70-300.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 96-04-067 on February 7, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 24, amended 0, repealed 36.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 17, 1996

Bruce Batson

Executive Secretary

**REPEALER**

The following sections of the Washington Administrative Code are repealed.

WAC 260-70-010	Definitions applicable to chapter 260-70 WAC.
WAC 260-70-021	Medication standards.
WAC 260-70-025	Bleeder list.
WAC 260-70-026	Bleeder treatment.
WAC 260-70-027	Reciprocity of bleeder list.
WAC 260-70-028	Detention stall.
WAC 260-70-029	Receiving barn.
WAC 260-70-031	Reporting to receiving barn.
WAC 260-70-032	Exclusion from receiving and detention barn.
WAC 260-70-040	Horses to be tested.
WAC 260-70-050	Procedure for taking specimens.
WAC 260-70-060	Effect of laboratory analysis.
WAC 260-70-070	Persons responsible.
WAC 260-70-080	Procedure upon positive finding by chief chemist.
WAC 260-70-090	Permitted level of approved NSAIDS.
WAC 260-70-100	Penalties relating to overage of permitted medication.

WAC 260-70-110

WAC 260-70-120

WAC 260-70-130

WAC 260-70-140

WAC 260-70-150

WAC 260-70-160

WAC 260-70-170

WAC 260-70-180

WAC 260-70-190

WAC 260-70-200

WAC 260-70-210

WAC 260-70-220

WAC 260-70-230

WAC 260-70-240

WAC 260-70-250

WAC 260-70-260

WAC 260-70-270

WAC 260-70-280

WAC 260-70-290

WAC 260-70-300

Commission may require association to set apart place for medication and testing.

Sampling medications and drugs.

Voiding track record.

Hypodermic instruments.

Who may administer medications.

Veterinarians under the supervision of state veterinarian—  
Test barn veterinarian.

Veterinarian report.

Improper medication.

Blocking of legs or ankles.

Bandages.

Nerving.

Posterior digital neurectomy.

List of nerved horses.

Examination required.

Medication procedures and related instructions.

Adulteration of sample.

Labelling of medications.

Effective date—Repealer.

Reporting to receiving barn.

Exclusion from receiving barn.

**NEW SECTION**

**WAC 260-70-500 Definitions applicable to chapter 260-70 WAC.** (1) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent testing procedures.

(2) "Post Time" means the time set for the arrival at the starting point of the horses in a race as specified in writing and posted by the board of stewards.

**NEW SECTION**

**WAC 260-70-510 Equine health & safety.** The purpose of this chapter is to protect the integrity of horse racing, to ensure the health and welfare of animals under the jurisdiction of the commission and to safeguard the interests of the public and the participants in racing. With this in mind, the commission shall convene an annual meeting, open to all interested parties, for the purpose of review of veterinarian practices, equine health and medication. Such meeting shall include:

(1) An annual report from an official veterinarian.

(2) Presentation of data regarding equine medication and treatment, including a review of the commission's list of quantitative medication levels and recommendations for modifications to the list of quantitative medication levels.

(3) Public comment regarding equine health and safety, medication and veterinarian practices.

NEW SECTION

**WAC 260-70-520 Trainer responsibility.** The purpose of this subsection is to identify the minimum responsibilities of the trainer that pertain specifically to the health and well being of horses in his/her care.

(1) The trainer is solely responsible for the condition of horses in his/her care.

(2) The trainer is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer shall be responsible.

(3) A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules.

(4) A trainer whose horse has been claimed remains responsible for violation of any rules regarding that horse's participation in the race in which the horse is claimed.

(5) The trainer is responsible for:

(a) Maintaining the assigned stable area in a clean, neat and sanitary condition at all times;

(b) Using the services of those veterinarians licensed by the commission to attend to horses that are on association grounds;

(c) The proper identity, custody, care, health, condition and safety of horses;

(d) Ensuring that at the time of arrival at locations under the jurisdiction of the commission a valid health certificate and a valid negative Equine Infectious Anemia (EIA) test certificate accompany each horse in accordance with state law;

(e) Immediately reporting the alteration of the sex of a horse to the horse identifier and the racing secretary;

(f) Promptly report to the racing secretary, when mares who have been entered to race, have been bred;

(g) Promptly notifying the official veterinarian of any reportable disease and any unusual incidence of a communicable illness in any horse in his/her charge;

(h) Promptly reporting the serious injury and/or death of any horse at locations under the jurisdiction of the commission to the stewards and the official veterinarian and compliance with the rules in this chapter governing post-mortem examinations;

(i) Maintaining a knowledge of the medication record and medication status of horses in his/her care;

(j) Immediately reporting to the stewards and the official veterinarian knowledge or reason to believe, that there has been any administration of a prohibited medication, drug or substance;

(k) Ensuring the fitness to perform creditably at the distance entered;

(l) Ensuring that every horse he/she has entered to race is present at its assigned stall for a pre-race soundness inspection as prescribed in this chapter;

(m) Ensuring proper bandages, equipment and shoes;

(n) Presence in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

(o) Personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards; and

(p) Attending the collection of a urine or blood sample or delegating a licensed employee or the owner to do so.

NEW SECTION

**WAC 260-70-530 Veterinarians under authority of official veterinarian.** Veterinarians licensed by the commission and practicing at any location under the jurisdiction of the commission are under the authority of the official veterinarian and the stewards. An official veterinarian shall recommend to the stewards or the commission the discipline which may be imposed upon a veterinarian who violates the rules.

NEW SECTION

**WAC 260-70-540 Veterinarians' reports.** (1) Every veterinarian who treats a race horse at any location under the jurisdiction of the commission shall, in writing on a form approved by the commission, report to an official veterinarian the name of the horse treated, any medication, drug or substance administered or prescribed, the name of the trainer of the horse, the date and time of treatment and any other information requested by the official veterinarian.

(2) The report shall be signed by the practicing veterinarian.

(3) The report shall be on file not later than the time prescribed on the next race day by the official veterinarian. Any such report is confidential and its content shall not be disclosed except in the course of an investigation of a possible violation of these rules or in a proceeding before the stewards or the commission, or to the trainer or owner of record at the time of treatment.

NEW SECTION

**WAC 260-70-550 Medical labelling.** (1) No person on association grounds where horses are lodged or kept, excluding licensed veterinarians, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effects or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labelled in accordance with this subsection.

(2) Any drug or medication which is used or kept on association grounds and which, by federal or state law, requires a prescription must have been validly prescribed by a duly licensed veterinarian, and in compliance with applicable state statutes. All such allowable medications must have a prescription label which is securely attached and clearly ascribed to show the following:

(a) The name of the product;

(b) The name, address and telephone number of the veterinarian prescribing or dispensing the product;

(c) The name of each patient (horse) for whom the product is intended/prescribed;

(d) The dose, dosage, duration of treatment and expiration date of the prescribed/dispensed product; and

(e) The name of the person (trainer) to whom the product was dispensed.

#### NEW SECTION

**WAC 260-70-560 Treatment restrictions.** (1) Except as otherwise provided by this subsection, no person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection) to a horse at any location under the jurisdiction of the commission.

(2) Nonveterinarians may administer the following substances, provided that, in post race testing the substances do not exceed approved quantitative levels, if any, and the substances do not interfere with post race testing:

(a) A recognized non-injectable nutritional supplement or other substance approved by the official veterinarian;

(b) A non-injectable substance on the direction or by prescription of a licensed veterinarian; or

(c) A non-injectable nonprescription medication or substance.

(3) No person shall possess a hypodermic needle, syringe or injectable of any kind on association premises, unless otherwise approved by the commission. At any location under the jurisdiction of the commission, veterinarians may use only onetime disposable needles, and shall dispose of them in a manner approved by the commission. If a person has a medical condition which makes it necessary to have a needle and syringe at any location under the jurisdiction of the commission, that person may request permission of the stewards and/or the commission in writing, furnish a letter from a licensed physician explaining why it is necessary for the person to possess a needle and syringe, and must comply with any conditions and restrictions set by the stewards and/or the commission.

#### NEW SECTION

**WAC 260-70-570 Physical inspection of horses.** All horses at locations under the jurisdiction of the commission shall be subject to inspections at the discretion of the stewards or the official veterinarian.

(1) Every horse entered to participate in an official race shall be subject to a veterinary inspection.

(2) The inspection shall be conducted by an official veterinarian.

(3) The trainer of each horse or a representative of the trainer shall present the horse for inspection as required by the official veterinarian.

(4) The veterinary inspection of a horse's racing condition may include:

(a) Proper identification of each horse inspected;

(b) Observation of each horse in motion;

(c) Manual palpation when indicated;

(d) Observation in the paddock and saddling area, during the parade to post and at the starting gate; and

(e) Any other inspection deemed necessary by an official veterinarian.

(5) Every horse shall be observed by an official veterinarian during and after the race.

(6) The official veterinarian shall maintain a confidential health and racing soundness record of each horse inspected.

#### NEW SECTION

**WAC 260-70-580 Veterinarian's list** (1) The official veterinarian shall maintain a list of all horses which are determined to be unfit to compete in a race due to physical distress, unsoundness, infirmity or medical condition.

(2) A horse may be removed from the veterinarian's list when, in the opinion of the official veterinarian, the horse is capable of competing in a race.

#### NEW SECTION

**WAC 260-70-590 Reporting to the test barn.** (1) The official winning horse and any other horse ordered by the stewards, official veterinarian or the commission shall be taken to the test barn to have a blood and/or urine sample taken at the direction of an official veterinarian.

(2) Random or extra testing may be required by the stewards, the official veterinarian, or the commission at any time on any horse on association grounds.

(3) Unless otherwise directed by the stewards or an official veterinarian, a horse that is selected for testing must be taken directly to the test barn.

(4) Access to the test barn and, if applicable, receiving barn shall be monitored and restricted. All persons who wish to enter the test barn/receiving barn area must be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area.

#### NEW SECTION

**WAC 260-70-600 Sample collection** (1) Sample collection shall be done in accordance with guidelines and instructions provided by the official veterinarian.

(2) An official veterinarian shall determine a minimum sample requirement for the primary testing laboratory.

(a) If the specimen obtained from a horse is less than the minimum sample requirement, the entire specimen shall be sent to the primary testing laboratory.

(b) If a specimen obtained is greater than the minimum sample requirement but less than twice that amount, the portion of the sample that is greater than the minimum sample requirement shall be secured as the split sample.

(c) If a specimen obtained is greater than twice the minimum sample requirement, a portion of the sample approximately equal to the amount provided for the primary testing laboratory shall be secured as the split sample.

(d) At Class C race tracks the splitting of samples will be conducted by the primary testing laboratory.

#### NEW SECTION

**WAC 260-70-610 Storage and shipment of split samples.** (1) Split samples obtained in accordance with WAC 260-70-600, subsection 2b and 2c shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the commission.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be closed and locked so as to prevent access to the freezer at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the official veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer.

(e) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the stewards or a designated commission representative.

(2) A trainer or owner of a horse may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than 48 hours after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 72 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be approved by the commission. The commission shall maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample.

Split sample chain of custody form requirements:

- (a) The date and time the sample is removed from the split sample freezer;
- (b) The sample number;
- (c) The address where the split sample is to be sent;
- (d) The name of the carrier and the address where the sample is to be taken for shipment;

(e) Verification of retrieval of the split sample from the freezer;

(f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;

(g) Verification of the address of the split sample laboratory on the split sample package;

(h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

(i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a commission representative in the presence of the owner, trainer or designee.

(6) The owner, trainer or designee shall pack the split sample for shipment in the presence of the representative of the commission, in accordance with the packaging procedures recommended by the commission. A form shall be signed by both the owner's representative and the commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative shall keep the original and provide a copy for the owner, trainer or designee.

#### NEW SECTION

**WAC 260-70-620 Medication restrictions** (1) No horse shall have in its body any prohibited or interfering substance, or permitted medication, except as provided in this chapter.

(2) A finding by the official chemist of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include:

(a) Drugs or medications for which no acceptable levels have been established;

(b) Therapeutic medications in excess of acceptable levels established by the commission;

(c) Substances present in the horse in excess of levels at which such substances could occur naturally; and

(d) Substances foreign to a horse at levels that cause interference with testing procedures.

(3) No person shall administer, attempt to minister, or aid or abet in the administration of, any medication or drug

to a horse entered to race within 24 hours of the race in which entered except in accordance with these rules.

(4) Drugs or medications in horses are permissible, provided:

(a) The drug or medication is included in the commission's list of quantitative medication levels;

(b) Approved nonsteroidal anti-inflammatory drugs (NSAIDS) may be administered to a horse, but not on a race day. No more than one of the NSAIDS may be used on or carried in a horse's body at any one time;

(c) The maximum permissible urine or blood concentration of the drug or medication does not exceed the published limit.

(5) Except as otherwise provided by this chapter, a person may not administer or cause to be administered by any means including naso gastric tube or dose syringe, to a horse a prohibited drug, medication, chemical or other substance, including any restricted medication, pursuant to this chapter during the 24-hour period before post time for the race in which the horse is entered.

#### NEW SECTION

**WAC 260-70-630 Threshold levels.** On or before February 1 of each year, the commission shall promulgate a list of quantitative medication levels for those certain substances which it has determined to be permissible in test samples up to stated quantitative levels.

#### NEW SECTION

**WAC 260-70-640 Permitted medication.** Trainers using permitted medication in the care of their horses are subject to all rules governing such medications. Failure to administer permitted medication to a horse on a program of permitted medication shall be a violation of these rules. The use of phenylbutazone, naproxen or meclofenamic acid shall be permitted under the following conditions:

(1) Phenylbutazone shall be administered in such dosage amount that the test sample shall not contain not more than 5 micrograms of phenylbutazone or oxyphenbutazone per milliliter of blood plasma.

(2) Naproxen shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(3) Meclofenamic Acid shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

#### NEW SECTION

**WAC 260-70-650 Furosemide (Lasix®).** (1) Furosemide (Lasix®) may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide (Lasix®) shall be permitted only after the official veterinarian has placed the horse on the bleeder list.

(2) The use of furosemide (Lasix®) shall be permitted under the following circumstances:

(a) Furosemide (Lasix®) shall be administered on the grounds of the association, no less than four hours prior to post time for the race for which the horse is entered.

(b) The furosemide (Lasix®) dosage administered shall not exceed 500 mg. nor be less than 150 mg.

(c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) the racetrack name, the date and time the furosemide (Lasix®) was administered to the entered horse;

(ii) the dosage amount of furosemide (Lasix®) administered to the entered horse; and

(iii) the printed name and signature of the attending licensed veterinarian who administered the furosemide (Lasix®).

(d) Failure to administer furosemide (Lasix®) in accordance with these rules may result in the horse being scratched from the race by the stewards.

#### NEW SECTION

**WAC 260-70-660 Bleeder list.** (1)(a) The official veterinarian shall maintain a bleeder list of all horses which have demonstrated external evidence of exercise induced pulmonary hemorrhage or the existence of hemorrhage in the trachea post exercise upon endoscopic examination. Such examination must have been performed by or in the presence of a licensed veterinarian and endorsed by the official veterinarian, or performed by an official veterinarian. The list is a state-wide list that applies only at Class A or Class B licensed associations and not at any other track.

(b) If the commission so orders, horses placed on the bleeder list shall be assigned to a pre-race security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the official veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall shall be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner. Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

(2) The confirmation of a bleeder horse must be certified in writing by an official veterinarian and entered on the bleeder list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's bleeder certification shall be affixed to the horses certificate of registration.

(3) Every confirmed bleeder, regardless of age, shall be placed on the bleeder list.

(4) A horse may be removed from the bleeder list only upon the direction of the official veterinarian, who shall

certify in writing to the stewards the recommendation for removal.

(5) A horse which has been placed on a bleeder list in another jurisdiction may be placed on a bleeder list in this jurisdiction provided that the other jurisdiction's criteria for the identification of bleeders are satisfactory in this jurisdiction.

#### NEW SECTION

**WAC 260-70-670 Penalties—Guidelines** Upon a finding of a violation of these medication and prohibited substances rules, the stewards shall consider the uniform classification level of the violation as listed herein prior to imposing a penalty. The stewards shall also consult with an official veterinarian to determine the nature and seriousness of the laboratory finding or the medication violation. Provided, however, that in the event a majority of the stewards determine that mitigating circumstances require imposition of a lesser penalty they may impose the lesser penalty. In the event a majority of the stewards wish to impose a greater penalty or a penalty in excess of the authority granted them, then, and in such event, they may impose the maximum penalty authorized and refer the matter to the commission with specific recommendations for further action.

#### NEW SECTION

**WAC 260-70-680 Uniform classification guidelines.** The following outline describes the types of substances placed in each category. This list shall be publicly posted in the offices of the official veterinarian and the racing secretary.

##### (1) Class 1

Opiates, opium derivatives, synthetic opioids, psychoactive drugs, amphetamines and U.S. Drug Enforcement Agency (DEA) scheduled I and II drugs. Also found in this class are drugs which are potent stimulants of the nervous system. Drugs in this class have no generally accepted medical use in the race horse and their pharmacological potential for altering the performance of a race is very high.

##### (2) Class 2

Drugs in this category have a high potential for affecting the outcome of a race. Most are not generally accepted as therapeutic agents in the race horse. Many are products intended to alter consciousness or the psychic state of humans, and have no approved or indicated use in the horse. Some, such as injectable local anesthetics, have legitimate use in equine medicine, but should not be found in a race horse. The following groups of drugs are in this class:

- (a) Opiate partial agonists, or agonist-antagonists;
- (b) Non-opiate psychotropic drugs, which may have stimulant, depressant, analgesic or neuroleptic effects;
- (c) Miscellaneous drugs which might have a stimulant effect on the central nervous system (CNS);
- (d) Drugs with prominent CNS depressant action;
- (e) Antidepressant and antipsychotic drugs, with or without prominent CNS stimulatory or depressant effects;
- (f) Muscle blocking drugs which have a direct neuromuscular blocking action;
- (g) Local anesthetics which have a reasonable potential for use as nerve blocking agents (except procaine); and

(h) Snake venoms and other biologic substances which may be used as nerve blocking agents.

##### (3) Class 3

Drugs in this class may or may not have an accepted therapeutic use in the horse. Many are drugs that affect the cardiovascular, pulmonary and autonomic nervous systems. They all have the potential of affecting the performance of a race horse. The following groups of drugs are in this class:

(a) Drugs affecting the autonomic nervous system which do not have prominent CNS effects, but which do have prominent cardiovascular or respiratory system effects (bronchodilators are included in this class);

(b) A local anesthetic which has nerve blocking potential but also has a high potential for producing urine residue levels from a method of use not related to the anesthetic effect of the drug (procaine);

(c) Miscellaneous drugs with mild sedative action, such as the sleep inducing antihistamines;

(d) Primary vasodilating/hypotensive agents; and

(e) Potent diuretics affecting renal function and body fluid composition.

##### (4) Class 4

This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following:

(a) Non-opiate drugs which have a mild central analgesic effect;

(b) Drugs affecting the autonomic nervous system which do not have prominent CNS, cardiovascular or respiratory effects;

(i) Drugs used solely as topical vasoconstrictors or decongestants,

(ii) Drugs used as gastrointestinal antispasmodics,

(iii) Drugs used to void the urinary bladder,

(iv) Drugs with a major effect on CNS vasculature or smooth muscle of visceral organs.

(c) Antihistamines which do not have a significant CNS depressant effect (This does not include H1 blocking agents, which are listed in Class 5);

(d) Mineralocorticoid drugs;

(e) Skeletal muscle relaxants;

(f) Anti-inflammatory drugs—those that may reduce pain as a consequence of their anti-inflammatory actions, which include:

(i) Nonsteroidal anti-inflammatory drugs (NSAIDs)—aspirin-like drugs;

(ii) Corticosteroids (glucocorticoids); and

(iii) Miscellaneous anti-inflammatory agents.

(g) Anabolic and/or androgenic steroids and other drugs;

(h) Less potent diuretics;

(i) Cardiac glycosides and antiarrhythmics including:

(i) Cardiac glycosides;

(ii) Antiarrhythmic agents (exclusive of lidocaine, bretylium and propranolol); and

(iii) Miscellaneous cardiotoxic drugs.

(j) Topical anesthetics—agents not available in injectable formulations;

(k) Antidiarrheal agents;

(l) Miscellaneous drugs including:

(i) Expectorants with little or no other pharmacologic action;

(ii) Stomachics; and

(iii) Mucolytic agents.

(m) Substances foreign to a horse at levels that cause interference with testing procedures.

(5) Class 5

(a) Drugs in this category are therapeutic medications for which concentration limits have been established as well as certain miscellaneous agents. Included specifically are agents which have very localized action only, such as anti-ulcer drugs and certain antiallergic drugs. The anticoagulant drugs are also included.

(b) Non-interfering levels of sulfa drugs, antibiotics, anthelmintics and vitamins in a horse's post race urine or blood test may not be considered a violation of these rules.

#### NEW SECTION

**WAC 260-70-690 Penalty recommendations (in the absence of mitigating circumstances)** (1) Class 1—One to five years suspension and at least \$5,000 fine and loss of purse.

(2) Class 2—Six months to one year suspension and \$1,500 to \$2,500 fine and loss of purse.

(3) Class 3—Sixty days to six months suspension and up to \$1,500 fine and loss of purse.

(4) Class 4—Zero to 60 days suspension and up to \$1,000 fine and loss of purse.

(5) Class 5—Zero to 15 days suspension with a possible loss of purse and/or fine.

#### NEW SECTION

**WAC 260-70-700 Penalties relating to permitted medication.** (1) Should the laboratory analysis of urine or blood taken from a horse, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules or the presence of phenylbutazone or oxyphenbutazone, naproxen or meclufenamic acid in excess of the quantities authorized by the rules, the stewards or commission shall levy the following penalties against each person found responsible:

(a) For a first offense within a 365 day period, a fine of \$300;

(b) For a second offense within a 365 day period, \$750;

(c) For a third offense within a 365 day period, a fine of \$750 with a sixty-day suspension.

(2) Should the laboratory analysis of urine or blood taken from a horse show the presence of furosemide (Lasix®) without permission from the official veterinarian, the stewards or commission shall treat the violation as a Class 4 offense.

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

#### NEW SECTION

**WAC 260-70-710 Voiding track record.** In the event that a horse establishes a track record in a race and if it later develops that the chemical analysis of any sample taken indicates the presence of any prohibited substances for which the purse is redistributed, then such track record shall be null and void.

#### NEW SECTION

**WAC 260-70-720 Posterior digital neurectomy.** (1) No person shall bring onto the grounds of a racing association, or enter or cause to be entered in any race, or sell, offer for sale, or act as a bloodstock agent in the sale of, any horse which has been "nerved" or has had any nerve removed from the leg of such horse, except as provided in this article.

(2) The trainer shall promptly report to the racing secretary and the official veterinarian when a posterior digital neurectomy is performed and ensure that such fact is designated on the horses certificate of registration.

(3) Notwithstanding the prohibition against "nerving," a horse upon which a posterior digital neurectomy has been performed, commonly known as "heel nerving" is eligible to race, subject to the prohibitions in this article pertaining to nerving, provided that the official veterinarian is satisfied that the loss of sensation to such horse due to the posterior digital neurectomy will not endanger the safety of any horse or rider, that the prior approval of the official veterinarian has been obtained if the horse is on the grounds of a racing association, that the racing secretary is notified of such nerving at the time such horse is admitted to the grounds of a racing association and its registration or eligibility certificate marked to indicate such nerving.

#### NEW SECTION

**WAC 260-70-730 Postmortem examination.** (1) The commission may require a postmortem examination of any horse that is injured in this jurisdiction while in training or in competition and that subsequently expires or is destroyed. In proceeding with a postmortem examination the commission or its designee shall coordinate with the trainer and/or owner to determine and address any insurance requirements.

(2) The commission may require a postmortem examination of any horse that expires while housed on association grounds or at recognized training facilities within this jurisdiction. Trainers and owners shall be required to comply with such action as a condition of licensure.

(3) The commission may take possession of the horse upon death for postmortem examination. The commission may submit blood, urine, other bodily fluid specimens or other tissue specimens collected during a postmortem examination for testing by the commission-selected laboratory or its designee. Upon completion of the postmortem examination, the remains may be returned to the owner or disposed of at the owner's option.

(4) The presence of a prohibited substance in a horse, found by the official laboratory or its designee in a bodily fluid specimen collected during the postmortem examination of a horse, may constitute a violation of these rules.

(5) The cost of commission-ordered postmortem examinations, testing and disposal shall be borne by the commission.

April 19, 1996  
William E. Talley  
Chairman of the Board

**WSR 96-10-013**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**

[Filed April 19, 1996, 1:40 p.m.]

Date of Adoption: April 19, 1996.

Purpose: WAC 308-13-005, this amendment adds definitions for words and acronyms used in chapter 18.96 RCW and chapter 308-13 WAC. It also removes any reference to the plant identification examination, which is no longer required.

WAC 308-13-015, this amendment updates and clarifies the duties and responsibilities of the board. The board does not approve colleges, it accepts programs recognized by a landscape architect accrediting board. The board administers examinations and provides information.

WAC 308-13-024, this amendment clarifies the administrative procedures for application for the examination. It eliminates the requirement for a notarized application form, and separates the "fees" for licensure and the "charges" for the examination. Candidates who successfully complete the registration examination are required to submit a written summary of chapter 18.96 RCW and chapter 308-13 WAC.

WAC 308-13-050, this amendment updates eligibility requirements for registration and simplifies the application process. It will assure applicants and the public that minimum requirements have been met before registration is issued and that standards are not arbitrary, selectively applied or capricious.

WAC 308-13-110, repealing this rule will eliminate a rule that has no statutory authority for adoption or endorsement.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-13-110; and amending WAC 308-13-005, 308-13-015, 308-13-024, and 308-13-050.

Statutory Authority for Adoption: For WAC 308-13-005, 308-13-015, 308-13-024 and 308-13-050 is RCW 18.96.060; and for WAC 308-13-110 none.

Adopted under notice filed as WSR 96-04-040 on February 5, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 4, repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

AMENDATORY SECTION (Amending Order PL 511, filed 1/31/85)

**WAC 308-13-005 Definitions.** (1) "Registered college" as used in RCW 18.96.070 means a college or school (~~(listed under)~~) recognized by the Landscape Architectural Accreditation Board (~~(of a list of schools)~~) (LAAB) as having accredited programs in landscape architecture.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board (~~(, including the plant identification examination)~~).

(3) The word "principal" as used in this chapter means a member of a firm offering landscape architectural services to the public who is a landscape architect, a shareholder and director of landscape architecture if the practice is through a corporation, a partner if the practice is through a partnership or the owner if the practice is through a sole proprietorship.

(4) (~~("UNE")~~) "L.A.R.E." means the (~~(Uniform National)~~) Landscape Architect Registration Examination for landscape architects.

(5) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

AMENDATORY SECTION (Amending Order PM 607, filed 7/25/86)

**WAC 308-13-015 Powers and duties of the board.** The board shall:

(1) Determine the qualifications for examination.

(2) (~~(Approve registered colleges of landscape architecture for acceptance of educational qualifications in lieu of experience per RCW 18.96.070.~~)

(3) Hold examinations of qualified persons who shall apply for registration as landscape architects.) Accept the programs recognized by the Landscape Architectural Accreditation Board, periodically published by the American Society of Landscape Architects (ASLA), as those academic programs qualifying for education experience credit as described in RCW 18.96.070.

(3) Administer the written examination when it is available in its entire content to all eligible applicants for registration under the provisions of this chapter and chapter 18.96 RCW.

(4) Examine and act on applications for registration by reciprocity and make recommendations to the director of licensing for issuance or refusal thereof.

(5) (~~(Examine and act on applications for reinstatement of licenses which have been suspended or revoked.~~)

(6)) Provide application instructions for reissuance of license to persons whose license has been suspended or revoked in accordance with RCW 18.96.140.

(6) Provide reinstatement instructions to persons whose license is delinquent in accordance with RCW 18.96.110.

(7) Investigate and hold hearings on complaints against registrants and advise the director of findings of evidence of violation of chapter 18.96 RCW.

**AMENDATORY SECTION** (Amending WSR 93-16-009, filed 7/22/93, effective 8/22/93)

**WAC 308-13-024 Application for examination.** (1) The application for examination must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.96.070. Applications for admission to an examination if scheduled, must be submitted or postmarked not later than the following dates. If the cut-off date falls on a Saturday or Sunday, the postmark deadline will be the following Monday.

<u>Examination Months</u>	<u>Cut-off Dates</u>
June	April 1
December	October 1

(2) Examinees may retake any sections offered that have not been passed. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination and the appropriate examination fee as established by the director and published in chapter 308-13 WAC, landscape architect fees. For reexamination applicants, examination fees are listed by separate section.

(3) A completed application includes:

(a) A ~~((notarized))~~ completed application form LA 656-3;

(b) Three references from landscape architects having personal knowledge of the applicant's landscape architectural experience;

(c) Transcript of academic experience showing courses taken and degree received with registrar's seal/stamp/signature. Photocopies of transcripts are not acceptable;

(d) Verification of work experience;

(e) ~~((Application and examination))~~ Appropriate fees.

(4) ~~((Notice of acceptance -))~~ Examination admission letters ~~((s))~~ will be mailed to eligible applicants approximately six weeks prior to the examination along with detailed information as to times, place, and scheduled examination sections.

(5) Application fees for examination and reexamination are administrative charges and will not be refunded. The examination fees (cost of each test) may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national testing service.

(6) Following successful completion of the registration examination, candidates will submit a summary of chapter 18.96 RCW and chapter 308-13 WAC.

**AMENDATORY SECTION** (Amending Order PL 511, filed 1/31/85)

**WAC 308-13-050 Registration by reciprocity.** (1) Any landscape architect who is currently registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by the initial license fee and the reciprocity application fee. Applicants shall submit a summary of chapter 18.96 RCW and chapter 308-13 WAC.

The application shall show evidence satisfactory to the board of:

(a) Having at least the equivalent experience and responsible charge of landscape architectural work as required of candidates for examination;

(b) Having satisfactorily completed the ~~((Uniform))~~ national examination required of applicants for registration in Washington;

(c) Applicant's proof of compliance shall consist of:

(i) Education: Transcript of college grades indicating degrees earned. Transcripts are not required if work experience is at least seven years.

~~((ii)) ((References: Three landscape architect reference letters and letters of reference from two other persons acquainted with applicant's character and professional abilities:))~~

~~((iii))~~ Employment: Statements of previous ~~((landscape architect))~~ employers covering full time employment for a minimum of three years when the applicant has an accredited degree in landscape architecture or seven years of experience working with landscape architects or a combination of seven years of education and experience, approved by the board.

~~((iv)) Clients: Three signed letters from former clients. ((v)) Examination:))~~ (iii) Certification: ~~((by))~~ State of ~~((origin of))~~ registration that applicant passed the national examination, listing subjects taken and ~~((grades))~~ scores received.

~~((2)) ((The board will require oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where supporting documentation or other evidence shows sufficient information for the board to reach a decision without examination.))~~

~~((3))~~ Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has ~~((taken and))~~ passed the ~~((UNE))~~ national examination and such certification is current and valid at the time of ~~((application for registration, and after the candidate's file has been received and approved))~~ approval by the board.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-13-110 Landscape architect listings.

#### **WSR 96-10-014**

##### **PERMANENT RULES**

#### **HORSE RACING COMMISSION**

[Filed April 19, 1996, 3:45 p.m., effective June 11, 1996]

Date of Adoption: April 16, 1996.

Purpose: To bring into conformance with the nationally accepted model rules pertaining to parimutuel wagering. The entire chapter, WAC 260-48-010 through 260-48-350, will be repealed and replaced with WAC 260-48-500 through 260-48-930.

Citation of Existing Rules Affected by this Order: Repealing WAC 260-48-010 through 260-48-350.

Statutory Authority for Adoption: RCW 67.16.040.

Adopted under notice filed as WSR 96-04-066 on February 7, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 260-48-560 (2)(d), added clarifying wording; WAC 260-48-600(1), clarified wording about trifecta type pools; WAC 260-48-620, defined scheduled to start, eliminated wording for superfecta; WAC 260-48-640(1), added clarifying wording; WAC 260-48-660 Cooperation with parimutuel department, deleted this section and renumbered following sections; WAC 260-48-670 Limit payoffs, moved wording from twin trifecta rules to make new section; WAC 260-48-800, deleted subsection (2) and renumbered the following subsections; WAC 260-48-800(6), clarified wording; WAC 260-48-850 (3)(b), clarified wording. Added subsection (8) allowing to name wager; WAC 260-48-890(8), clarified wording; WAC 260-48-900 Superfecta, deleted this section and renumbered following sections; WAC 260-48-900 (7)(9)(19), clarified wording, removed wording and created new subsection. Limit payoffs; and WAC 260-48-920 (1)(4), clarified wording.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 30, amended 0, repealed 43.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: June 11, 1996.

April 18, 1996

Bruce Batson

Executive Secretary

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-11 issue of the Register.

**WSR 96-10-021**  
**PERMANENT RULES**  
**SECRETARY OF STATE**  
[Filed April 24, 1996, 10:07 a.m.]

Date of Adoption: April 23, 1996.

Purpose: To raise the threshold of annual solicitations that require filing, change the annual renewal date for both charities and commercial fund-raisers.

Citation of Existing Rules Affected by this Order: Amending WAC 434-120-100, 434-120-140, and 434-120-225.

Statutory Authority for Adoption: RCW 19.09.315 and 19.09.075.

Adopted under notice filed as WSR 96-05-089 on February 21, 1996.

Changes Other than Editing from Proposed to Adopted Version: WAC 434-120-100, charitable organizations will no longer be required to register unless total annual revenue exceeds twenty-five thousand dollars; WAC 434-120-140, charitable organizations will renew their registration no later than the fifteenth day of the fifth month after the end of their fiscal year. The solicitation report will be based upon the most recently completed fiscal year; and WAC 434-120-225, commercial fund-raisers will renew their registration no later than the fifteenth day of the fifth month after the end of their fiscal year.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 1996

Donald F. Whiting

Assistant Secretary of State

**AMENDATORY SECTION** (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-100 Who shall register.** (1) Any entity that will conduct a charitable solicitation or solicit funds from the general public for charitable purposes shall register with the corporations division under the solicitations act((s)).

(2) Entities exempt from registration are the following:

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization;

(b) Any entity whose sole purpose is religious or political;

(c) Any entity who raises less than twenty-five thousand dollars in revenue in any accounting year, all of whose activities including fund-raising are conducted by volunteers, and whose officers or members do not receive assets of or benefits from the organization;

(d) A bona fide officer or other employee of ((a)) the charitable organization for which the funds are solicited; and

(e) Charitable organizations located outside of the state of Washington that meet the statutory requirements under RCW 19.09.076(2).

(3) Any entity exempt from registration by these regulations soliciting or conducting a solicitation shall comply with the conditions for solicitations as described in RCW 19.09.100.

(4) Interpretive note: The secretary of state does not interpret RCW 19.09.065 as requiring a registration by an employee of an educational institution who, as part of his or her employment with the institution, solicits contributions on behalf of a nonprofit charitable foundation affiliated with that institution, if the foundation is registered and the educational institution is either:

(a) A public school, college, or university operated by the state of Washington, one of its school districts, or a comparable public institution of another state or nation; or

(b) A private entity that is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

**AMENDATORY SECTION** (Amending WSR 95-11-135, filed 5/24/95, effective 6/24/95)

**WAC 434-120-140 How and when.** (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation((+)).

(2) Annual renewal:

(a) An entity shall renew its charitable registration ((at the same time as it submits its annual corporation renewal or nonprofit annual report, or, if not a corporation, the last day of the same month of the year as the entity's original registration for charitable solicitation purposes)) by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(b) The renewal shall include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) ((The renewal cycle shall begin on July 1, 1994, for all organizations whose corporation renewal is due July 1, 1994, or later in the year. All charitable organizations whose corporation renewal comes due in the months of January through June shall renew in the new cycle beginning January 1995. The 1994 renewal shall be effective, without additional fees, until the new 1995 renewal date.)) No change in an entity's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for registration and financial statement requirements shall be determined on a prorated basis.

(3) ((Organizations not required to file a solicitation report with the secretary, may renew registrations every other year unless revenue is more than twenty five thousand dollars in the previous registration or renewal period.

(4)) Change in status, notification: An organization shall notify the corporations division of a change in principal

officer, owner, ((or)) Washington representative, tax status, fiscal year, or any other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

**AMENDATORY SECTION** (Amending WSR 94-01-004, filed 12/1/93, effective 1/1/94)

**WAC 434-120-225 Annual reregistration.** (1) Each commercial fund-raiser shall reregister annually ((at the same time as it files either the annual license renewal for profit corporations or annual report for nonprofit corporations, whichever is appropriate. If the commercial fund-raiser is not registered as a corporation, it shall reregister annually by the last working day of the month (the anniversary date) of the original registration)) by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(2) A fund-raiser that changes its fiscal year shall notify the secretary of state of the change, in writing, within thirty days of making the change. No change in a fund-raiser's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for financial statement requirements shall be determined on a prorated basis.

**WSR 96-10-025**  
**PERMANENT RULES**  
**BENTON COUNTY**  
**CLEAN AIR AUTHORITY**  
[Filed April 24, 1996, 11:24 a.m.]

Date of Adoption: April 18, 1996.

Purpose: Rename current regulation with new name and jurisdiction of Benton County and remove references to Franklin and Walla Walla counties. Update references to RCWs and WACs which are no longer correct. Update asbestos regulation to include emergency safeguards. Set agricultural burn fees. Update open burning rules consistent with state laws.

Citation of Existing Rules Affected by this Order: Amending Articles 1 through 10 of Regulation 1.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Adopted under notice filed as WSR 96-03-032 on January 9, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making:

New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
April 23, 1996  
David A. Lauer  
Control Officer

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-11 issue of the Register.

**WSR 96-10-026**  
**PERMANENT RULES**  
**SOUTHWEST AIR POLLUTION**  
**CONTROL AUTHORITY**

[Filed April 24, 1996, 11:26 a.m.]

Date of Adoption: March 19, 1996.

Purpose: To establish rules that will lead to VOC emission reductions for the Vancouver Ozone Maintenance Plan determined to be necessary in order to obtain EPA approval on redesignating the Vancouver area as an attainment area. These rules will assist in preserving the Portland/Vancouver's current air quality by offsetting increased air pollution associated with future population growth.

Statutory Authority for Adoption: RCW 70.94.141, 70.94.145, 70.94.380, 70.94.395.

Adopted under notice filed as WSR 95-18-081 on September 5, 1995.

Changes Other than Editing from Proposed to Adopted Version: Southwest Air Pollution Control Authority 493-100 "Consumer Products" was withdrawn and in its place is "reserved" for adoption by reference the United States Environmental Protection Agency equivalent rule proposed in the Federal Register on April 2, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 23, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 23, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
April 19, 1996  
Robert D. Elliott  
Executive Director

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-11 issue of the Register.

**WSR 96-10-029**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed April 24, 1996, 4:16 p.m., effective April 26, 1996]

Date of Adoption: April 24, 1996.

Purpose: Department of Labor and Industries has reduced workers' compensation insurance premium rates by twenty-seven percent effective April 1, 1996. As a result employers participating in optional rating programs will be adversely impacted by the rate change if the premium range table is not modified. As an interim measure the department adopted the subject rules on an emergency basis as WSR 96-02-053 filed December 29, 1995. Adoption of this rule change on a permanent basis will provide continuity in the program for participating employers.

Citation of Existing Rules Affected by this Order: Amending WAC 296-17-919.

Statutory Authority for Adoption: RCW 51.16.035.

Adopted under notice filed as WSR 96-07-098 on March 20, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Retropective rating dividends or surcharges are based in part on total premiums paid by participating employers. Since overall premiums were reduced by an additional twenty-seven percent effective April 1, 1996, the premium size table needs to be modified to reflect the change in premium levels. Otherwise, employers will appear to have underpaid premiums when a comparison is made in group size to premium and could subject employers to a penalty (surcharge) situation instead of qualifying for a dividend. The department adopted revisions to the premium size range table (WAC 296-17-919) on an emergency basis effective January 1, 1996. Since the emergency rule is set to expire April 29, 1996, it is necessary to adopt the subject rule on April 24, 1996, and that the rule become effective April 26, 1996, to avoid a gap between rules.

Effective Date of Rule: April 26, 1996.

April 24, 1996  
Mark O. Brown  
Director

AMENDATORY SECTION (Amending WSR 95-23-080, filed 11/20/95, effective 1/1/96)

WAC 296-17-919 Table I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B  
STANDARD PREMIUM SIZE RANGES  
Effective January 1, 1996

Size Group Number	Standard Premium Range
<del>63</del>	<del>\$ 3,577 - \$ 4,323</del>
<del>62</del>	<del>4,324 - 5,189</del>
<del>61</del>	<del>5,190 - 6,175</del>
<del>60</del>	<del>6,176 - 7,307</del>
<del>59</del>	<del>7,308 - 8,600</del>
<del>58</del>	<del>8,601 - 10,056</del>
<del>57</del>	<del>10,057 - 11,712</del>
<del>56</del>	<del>11,713 - 13,588</del>
<del>55</del>	<del>13,589 - 15,681</del>
<del>54</del>	<del>15,682 - 18,040</del>
<del>53</del>	<del>18,041 - 20,694</del>
<del>52</del>	<del>20,695 - 23,640</del>
<del>51</del>	<del>23,641 - 24,912</del>
<del>50</del>	<del>24,913 - 26,812</del>
<del>49</del>	<del>26,813 - 28,887</del>
<del>48</del>	<del>28,888 - 31,179</del>
<del>47</del>	<del>31,180 - 33,714</del>
<del>46</del>	<del>33,715 - 36,501</del>
<del>45</del>	<del>36,502 - 39,598</del>
<del>44</del>	<del>39,599 - 43,049</del>
<del>43</del>	<del>43,050 - 46,864</del>
<del>42</del>	<del>46,865 - 51,137</del>
<del>41</del>	<del>51,138 - 55,936</del>
<del>40</del>	<del>55,937 - 61,281</del>
<del>39</del>	<del>61,282 - 67,319</del>
<del>38</del>	<del>67,320 - 74,162</del>
<del>37</del>	<del>74,163 - 81,850</del>
<del>36</del>	<del>81,851 - 90,623</del>
<del>35</del>	<del>90,624 - 100,670</del>
<del>34</del>	<del>100,671 - 112,075</del>
<del>33</del>	<del>112,076 - 121,287</del>
<del>32</del>	<del>121,288 - 132,172</del>
<del>31</del>	<del>132,173 - 144,339</del>
<del>30</del>	<del>144,340 - 158,147</del>
<del>29</del>	<del>158,148 - 173,884</del>
<del>28</del>	<del>173,885 - 191,683</del>
<del>27</del>	<del>191,684 - 212,168</del>
<del>26</del>	<del>212,169 - 235,863</del>
<del>25</del>	<del>235,864 - 263,056</del>
<del>24</del>	<del>263,057 - 294,891</del>
<del>23</del>	<del>294,892 - 332,415</del>
<del>22</del>	<del>332,416 - 376,273</del>
<del>21</del>	<del>376,274 - 428,770</del>
<del>20</del>	<del>428,771 - 492,160</del>
<del>19</del>	<del>492,161 - 568,056</del>
<del>18</del>	<del>568,057 - 661,606</del>
<del>17</del>	<del>661,607 - 778,298</del>
<del>16</del>	<del>778,299 - 922,687</del>
<del>15</del>	<del>922,688 - 1,244,645</del>
<del>14</del>	<del>1,244,646 - 1,694,769</del>

<del>13</del>	<del>1,694,770</del>	<del>2,054,617</del>
<del>12</del>	<del>2,054,618</del>	<del>2,485,083</del>
<del>11</del>	<del>2,485,084</del>	<del>3,138,975</del>
<del>10</del>	<del>3,138,976</del>	<del>4,512,171</del>
<del>9</del>	<del>4,512,172</del>	<del>6,622,189</del>
<del>8</del>	<del>6,622,190</del>	<del>9,415,438</del>
<del>7</del>	<del>9,415,439</del>	<del>13,872,904</del>
<del>6</del>	<del>13,872,905</del>	<del>21,576,453</del>
<del>5</del>	<del>21,576,454</del>	<del>&amp; Over))</del>
<u>63</u>	<u>\$ 2,853</u>	<u>\$ 3,447</u>
<u>62</u>	<u>3,448</u>	<u>4,138</u>
<u>61</u>	<u>4,139</u>	<u>4,924</u>
<u>60</u>	<u>4,925</u>	<u>5,827</u>
<u>59</u>	<u>5,828</u>	<u>6,858</u>
<u>58</u>	<u>6,859</u>	<u>8,019</u>
<u>57</u>	<u>8,020</u>	<u>9,340</u>
<u>56</u>	<u>9,341</u>	<u>10,835</u>
<u>55</u>	<u>10,836</u>	<u>12,505</u>
<u>54</u>	<u>12,506</u>	<u>14,387</u>
<u>53</u>	<u>14,388</u>	<u>16,503</u>
<u>52</u>	<u>16,504</u>	<u>18,853</u>
<u>51</u>	<u>18,854</u>	<u>19,867</u>
<u>50</u>	<u>19,868</u>	<u>21,382</u>
<u>49</u>	<u>21,383</u>	<u>23,037</u>
<u>48</u>	<u>23,038</u>	<u>24,865</u>
<u>47</u>	<u>24,866</u>	<u>26,887</u>
<u>46</u>	<u>26,888</u>	<u>29,109</u>
<u>45</u>	<u>29,110</u>	<u>31,578</u>
<u>44</u>	<u>31,579</u>	<u>34,331</u>
<u>43</u>	<u>34,332</u>	<u>37,373</u>
<u>42</u>	<u>37,374</u>	<u>40,781</u>
<u>41</u>	<u>40,782</u>	<u>44,609</u>
<u>40</u>	<u>44,610</u>	<u>48,871</u>
<u>39</u>	<u>48,872</u>	<u>53,687</u>
<u>38</u>	<u>53,688</u>	<u>59,143</u>
<u>37</u>	<u>59,144</u>	<u>65,274</u>
<u>36</u>	<u>65,275</u>	<u>72,272</u>
<u>35</u>	<u>72,273</u>	<u>80,283</u>
<u>34</u>	<u>80,284</u>	<u>89,379</u>
<u>33</u>	<u>89,380</u>	<u>96,725</u>
<u>32</u>	<u>96,726</u>	<u>105,405</u>
<u>31</u>	<u>105,406</u>	<u>115,109</u>
<u>30</u>	<u>115,110</u>	<u>126,120</u>
<u>29</u>	<u>126,121</u>	<u>138,671</u>
<u>28</u>	<u>138,672</u>	<u>152,865</u>
<u>27</u>	<u>152,866</u>	<u>169,201</u>
<u>26</u>	<u>169,202</u>	<u>188,099</u>
<u>25</u>	<u>188,100</u>	<u>209,785</u>
<u>24</u>	<u>209,786</u>	<u>235,173</u>
<u>23</u>	<u>235,174</u>	<u>265,098</u>
<u>22</u>	<u>265,099</u>	<u>300,074</u>
<u>21</u>	<u>300,075</u>	<u>341,941</u>
<u>20</u>	<u>341,942</u>	<u>392,493</u>
<u>19</u>	<u>392,494</u>	<u>453,020</u>
<u>18</u>	<u>453,021</u>	<u>527,625</u>
<u>17</u>	<u>527,626</u>	<u>620,686</u>
<u>16</u>	<u>620,687</u>	<u>735,835</u>
<u>15</u>	<u>735,836</u>	<u>992,593</u>
<u>14</u>	<u>992,594</u>	<u>1,351,565</u>
<u>13</u>	<u>1,351,566</u>	<u>1,638,540</u>
<u>12</u>	<u>1,638,541</u>	<u>1,981,833</u>
<u>11</u>	<u>1,981,834</u>	<u>2,503,306</u>

PERMANENT

10	2,503,307	=	3,598,419
9	3,598,420	=	5,281,140
8	5,281,141	=	7,508,733
7	7,508,734	=	11,063,524
6	11,063,525	=	17,207,040
5	17,207,041	=	& Over

**WSR 96-10-031**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3970—Filed April 24, 1996, 4:18 p.m.]

Date of Adoption: April 24, 1996.

Purpose: This change is a correction of the current WAC. The GA-U earned income disregard was erroneously included for nonapplying spousal income in the WAC during the rewrite process.

Citation of Existing Rules Affected by this Order: Amending WAC 388-219-3000 GA-U allocation of income.

Statutory Authority for Adoption: RCW 74.08.090.

Adopted under notice filed as WSR 96-07-014 on March 12, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 1996

Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-219-3000 GAU allocation of income.** The department shall allocate nonexempt net income to the assistance unit of which the person is a member, except when:

(1) The family contains two or more assistance units. In such case, the department shall equally divide the total nonexempt net community income between the assistance units unless:

- (a) The family prefers some other division; and
- (b) The preferred division does not increase the total amount of assistance, excluding medical care.

(2) The person lives with a nonapplying spouse. In such case, the department shall consider the following available to the client:

(a) The nonapplying spouse's net income from wages, retirement benefits, or separate property to the extent that such income exceeds a one-person payment level. In computing the nonapplying spouse's net income, the department shall allow:

(i) GAU (~~earned income and~~) work expense disregards; and

(ii) Verified court or administratively ordered support payments made by the nonapplying spouse for legal dependents not living in the parent's home. The amount exempted shall be the amount paid up to the one person need standard for each such dependent. The department shall not apply the GAU earned income disregard to the spousal income computation.

(b) All the client's net income from wages, retirement benefits, or separate property; and

(c) Half of all other community income.

(3) The person is in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. When a person in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home applies for or receives a general assistance grant, the department shall allocate income as follows:

(a) First to the appropriate payment level of the legal dependents in the family home as stated in chapter 388-250 WAC; and

(b) Then to the needs of the person according to the standards of assistance for each living arrangement.

(4) The person pays court or administratively ordered support for a legal dependent not living in the parent's home. In such case, the department shall allocate income to the assistance unit after deducting:

(a) Applicable earned income and work expense disregards; and

(b) Verified court or administratively ordered support payments made for a legal dependent not living in the parent's home. The amount exempted shall be the amount paid up to the one-person need standard for each legal dependent.

**WSR 96-10-032**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3969—Filed April 24, 1996, 4:24 p.m.]

Date of Adoption: April 24, 1996.

Purpose: Chapter 74.13 RCW directs the department to promulgate rules which establish minimum licensing requirements.

Citation of Existing Rules Affected by this Order: Amending chapter 388-73 WAC, Minimum licensing requirements for crisis residential centers.

Statutory Authority for Adoption: Chapter 74.15 RCW. Other Authority: RCW 74.13.032.

Adopted under notice filed as WSR 96-06-051 on March 6, 1996.

PERMANENT

Changes Other than Editing from Proposed to Adopted Version: WAC 388-73-012 Definitions, no text change. Renummer to alphabetize; WAC 388-73-01950 Fire standards, in the last sentence which begins "The Washington state fire marshal's ..." remove "1995" and remove the text "as amended." Clarifies the language and removes the need to amend the WAC when the building codes change; WAC 388-73-048(7) Corporal punishment, remove the first sentence which reads: "All licensees except secure crisis residential centers shall be subject to WAC 388-73-048." In the second sentence add the language "... are excepted from this section and ..." after "Secure crisis residential centers ..." Clarifies the statement; WAC 388-73-803 Crisis residential center—Admission, subsection (1) add the text "For secure crisis residential centers ..." before "the administrator ..." Subsection (2) add the text "For semi-secure crisis residential centers ..." before "the administrator ..." Clarifies the statement; WAC 388-73-821(3) Behavior management—Secure crisis residential centers, remove the text "... all proactive, nonphysical means must have been exhausted, ..." Similar language is repeated later in the paragraph and appears redundant; WAC 388-73-821(5) Behavior management—Secure crisis residential centers, in the first sentence remove the word "that" after technique and add the words "with intent to." Clarifies the statement. Remove the language from subsection (f) that says "and a locked time-out room or area." Create a new subsection (g) that states "A locked time-out room." Clarifies the statement; WAC 388-73-822(3) Secure crisis residential centers—Staff training, correct the typographical error to the word "ever" which should be "every"; and WAC 388-73-825(4) Secure crisis residential center—Physical facility, remove the second sentence which reads "The department shall not require the provider to collocate semi-secure and secure facilities within the same facility."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 6, amended 9, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 6, amended 9, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 24, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-11 issue of the Register.

**WSR 96-10-042**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 9373—Filed April 26, 1996, 2:43 p.m.]

Date of Adoption: April 26, 1996.

Purpose: To clarify a rule related to dual licensing of homes and to adopt fire safety requirements for family child care homes. New sections are WAC 388-155-600, 388-155-605, 388-155-610, 388-155-620, 388-155-630, 388-155-640, 388-155-650, 388-155-660, 388-155-670, and 388-155-680.

Citation of Existing Rules Affected by this Order: Amending WAC 388-155-060 and 388-155-070.

Statutory Authority for Adoption: RCW 74.12.340 and chapter 74.15 WAC.

Adopted under notice filed as WSR 96-07-010 on March 8, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 10, amended 2, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 10, amended 2, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 26, 1996

Philip A. Wozniak

for Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3136, filed 2/1/91, effective 3/4/91)

**WAC 388-155-060 Dual licensure.** The department ~~((may either:~~

~~(4)) shall not issue a family child care home license to the applicant having a foster family home license or other license involving full-time care((;)) or~~

~~((2)) permit simultaneous care for the child and ((adolescent or)) adult on the same premises. An exception may be granted if the applicant or licensee:~~

~~((a)) (1) Demonstrates evidence that care of one client category will not interfere with the quality of care provided to another category of clients;~~

~~((b)) (2) Requests and obtains a waiver permitting dual licensure;~~

~~(3) Maintains the most stringent maximum capacity limitation for the client categories concerned;~~

~~((c) Requests and obtains a waiver permitting dual licensure; and~~

~~(d) Requests and obtains a waiver to subsection (2)(b) of this section, if applicable.) and~~

(4) Where the licensee desires to exceed the most stringent maximum capacity limitation, requests an additional waiver to subsection (3) above. This additional waiver request may be written on one form with the request for dual licensing.

**AMENDATORY SECTION** (Amending Order 3136, filed 2/1/91, effective 3/4/91)

**WAC 388-155-070 Application and reapplication for licensure—Orientation, training and investigation.** (1) The person, organization, or legal entity applying for a license or relicensure under this chapter and responsible for operating the home shall:

(a) Attend orientation and training programs provided, arranged, or approved by the department;

(b) Comply with application procedures the department prescribes; and

(c) Submit to the department:

(i) A completed department-supplied application for family child care home license, including required attachments, ninety or more days before the:

(A) Beginning of licensed care;

(B) Expiration of a current license;

(C) Relocation of a home; or

(D) Change of licensed capacity category.

(ii) A completed criminal history and background inquiry form for each applicant, assistant, volunteer, or member of the household sixteen years of age or older having unsupervised or regular access to the child in care; and

(iii) The licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure shall submit to the department:

(a) A department-supplied employment and education resume of the applicant and assistant including a transcript or its equivalent documenting early childhood education class completion, where appropriate; and

(b) Three references for the applicant.

(3) The applicant for a license under this chapter shall be eighteen years of age or older.

(4) The department may, at any time, require additional information from the applicant, licensee, assistant, volunteer, member of their household and other person having access to the child in care as the department deems necessary, including, but not limited to:

(a) Sexual deviancy evaluations;

(b) Substance and alcohol abuse evaluations;

(c) Psychiatric evaluations;

(d) Psychological evaluations; and

(e) Medical evaluations.

(5) The department may perform investigations of the applicant, licensee, assistant, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

~~((6) The applicant shall conform to rules and regulations adopted by the:~~

~~(a) Department of health, promoting the health of the child in care, contained in this chapter; and~~

~~(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire and other pertinent fire safety regulations adopted by the state fire marshal's office.))~~

### NEW SECTION

**WAC 388-155-600 Occupancy restrictions.** (1) Any home used for child day care purposes for fewer than thirteen children is considered to be a Group R, Division 3 occupancy per the state building code. Family child day care homes must meet the minimum construction and fire and safety requirements for one and two family dwellings.

If a portion of the home is used for purposes other than a dwelling, such as a garage, automotive repair shop, cabinet and/or furniture making or refinishing or similar use, a fire wall is required between the dwelling and the other use.

(2) Only one exit door from a family child day care home need be of the pivoted or side hinged swinging type. Approved sliding doors may be used for other exits.

(3) In family child day care home, each floor level used for family child day care purposes shall be provided with two exits, usually located at opposite ends of the building or floor.

(4) Basements located more than four feet below grade level shall not be used for family child day care purposes unless one of the following conditions exists:

(a) Two exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level and the other exit is an interior stairway with a self-closing door installed at the top or bottom leading to the floor above; or

(c) One of the two required exits is an operable window or door, approved for emergency escape or rescue, that opens directly to a public street, public alley, yard or exit court and the other may be an approved interior or exterior stairway; or

(d) A residential sprinkler system is provided throughout the entire home in accordance with standards of the National Fire Protection Association.

(5) The family child care home licensee shall ensure that any floor located more than four feet above grade level is not occupied by children for family child day care purposes except for the use of toilet facilities while under supervision of a staff person.

Family child day care may be allowed on the second story if one of the following conditions exists:

(a) There are two exit stairways from the second story which open directly to the exterior of the building without entering the first floor; or

(b) There is an exit which discharges directly to the exterior from the second story level, and a second interior stairway with a self-closing door installed at the top or bottom of the interior stair leading to the floor below; or

(c) A residential sprinkler system is provided throughout the entire building in accordance with standards of the National Fire Protection Association.

(6) The maximum travel distance from any point in the home to an exterior exit door shall not exceed one hundred fifty feet.

(7) Every room used for child care (except bathrooms) shall have:

(a) At least one operable window or door approved for emergency escape or rescue which shall open directly into a public street, public alley, yard or exit court. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

All escape or rescue windows shall have a minimum net clear openable area of 5.7 square feet. The minimum net clear openable height dimension shall be twenty-four inches. The minimum net clear openable width dimension shall be twenty inches. When windows are provided as a means of escape or rescue, they shall have a finished sill height of not more than forty-four inches above the floor; or

(b) Doors leading to two separate exit ways; or

(c) A door leading directly to the exterior of the building.

(8) A stationary platform may be used under a window to attain the forty-four inches above the floor.

(9) Exit doors shall be easy to open to the full open position.

(10) Exit doors and windows shall be able to be opened from the inside without having to use a key. Night latches, dead bolts, security chains, manually operated edge or surface mounted flush bolts and surface bolts are prohibited.

The locking arrangement on outside exit doors shall be such that they will automatically unlock when the doorknob is turned from the inside.

(11) The licensee shall ensure that obstructions are not placed in corridors, aisles, doorways, doors, stairways or ramps.

(12) No space which is accessible only by ladder, folding stairs or trap doors, shall be used for family child day care purposes.

(13) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency. The opening device shall be readily accessible to the staff.

(14) Every closet door latch shall be such that children can open the door from inside the closet.

#### NEW SECTION

**WAC 388-155-605 Hazardous areas.** Rooms or spaces containing a commercial-type kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, painting operation, or parking garage shall be separated from the family child day care home or any exits by a fire wall.

#### NEW SECTION

**WAC 388-155-610 Single station smoke detectors.**

(1) Smoke detectors shall be located in all sleeping and napping rooms in family child day care homes.

(2) In family child day care homes with more than one story, and in family child day care homes with basements, a smoke detector shall be installed on each story and in the basement.

(3) In family child day care homes where a story or basement is split into two or more levels, the smoke detector shall be installed in the upper level, except that when the

lower level contains a sleeping or napping area, a smoke detector shall be located on each level.

(4) When sleeping or napping rooms are on an upper level, the smoke detector shall be placed on the ceiling of the upper level in close proximity to the stairway and in each sleeping/napping room.

(5) In a family child day care home where the ceiling height of a room open to the hallway serving sleeping or napping rooms exceeds that of the hallway by twenty-four inches or more, smoke detectors shall be installed in both the hallway and the sleeping/napping room.

(6) Smoke detectors shall sound an alarm audible in all areas of the building.

(7) In new construction, required smoke detectors shall receive their primary power from the building wiring when such wiring is served from a commercial source. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

(8) Smoke detectors may be battery operated when installed in existing buildings or buildings without commercial power.

(9) Where battery operated smoke detectors are installed, at least one extra battery of the type and size specified for the battery operated smoke detector shall be maintained upon the premises.

(10) Single station smoke detectors shall be tested at monthly intervals or in a manner specified by the manufacturer. Records of such testing shall be maintained upon the premises.

#### NEW SECTION

**WAC 388-155-620 Alternate means of sounding a fire alarm.** In addition to single station smoke detectors, family child day care homes shall provide an alternate means for sounding a fire alarm. A police type whistle or similar device is adequate for meeting this requirement, provided that whatever method is selected is limited to an evacuation emergency only.

#### NEW SECTION

**WAC 388-155-630 Fire extinguisher.** (1) At least one approved 2A, 10B:C rated fire extinguisher shall be provided on each floor level occupied for day care use. Such extinguisher shall be located in the area of the normal path of egress. The maximum travel distance to an extinguisher shall not exceed seventy-five feet.

(2) Fire extinguishers shall be operationally ready for use at all times.

(3) Fire extinguisher shall be kept on a shelf or mounted in the bracket provided for this purpose so that the top of the extinguisher is not more than five feet above the floor.

(4) The licensee shall ensure that fire extinguishers receive annual maintenance certification by a firm specializing in and licensed to do such work. Maintenance means a thorough check of the extinguisher to include examination of:

(a) Mechanical parts;

(b) Extinguishing agent; and

(c) Expelling means.

NEW SECTION

**WAC 388-155-640 Fire prevention.** (1) The licensee shall ensure that the local fire department is requested to visit the family child day care home to become familiar with the facility and to assist in planning evacuation or emergency procedures. Where a fire department does not provide this service, the licensee shall document this contact.

(2) Furnace rooms shall be maintained free of lint, grease and rubbish accumulations and other combustibles and suitably isolated, enclosed or protected.

(3) Flammable or combustible materials shall be stored away from exits and in areas which are not accessible to children. Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

(4) The licensee shall keep all areas used for child care clean and neat, making sure that all waste generated daily is removed from the building and disposed of in a safe manner outside the building. All containers used for the disposal of waste material shall be of noncombustible materials with tops. Electrical motors shall be kept dust-free.

(5) Open-flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in an accidental ignition of children's clothing. Candles shall not be used.

(6) A flashlight shall be available for use as an emergency power source.

(7) All electrical circuits, devices and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords and multi-plug adapters shall not be used in lieu of permanent wiring and proper receptacles.

(8) The use of portable space heaters of any kind is prohibited.

(9) Approved numbers or addresses shall be placed on all new and existing homes and in the driveway to the house when the house is not visible from the road. The numbers or address shall be in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

(10) Fireplaces, woodstoves, similar devices and their connections shall be approved by the local building official. If the woodstove is used as a sole source of heat or is used during hours of operation, such devices shall be cleaned, maintained and inspected on at least an annual basis by a person or firm specializing in such work and licensed.

Where open flames and/or hot surfaces are accessible, approved barriers shall be erected to prevent children from coming in contact with the open flames and/or hot surfaces.

NEW SECTION

**WAC 388-155-650 Sprinkler system maintenance.** Sprinkler systems, if installed, shall be tested on an annual basis by a person or agency qualified by licensing. The results of the system test shall be documented on forms provided by the licensor and maintained at the home for inspection by the licensor.

NEW SECTION

**WAC 388-155-660 Fire evacuation plan.** Each home shall develop written fire evacuation plans. The evacuation plan shall include an evacuation floor plan, identifying exit doors and windows, that shall be posted at a point clearly visible to the assistant and parents. Plans shall include the following:

- (1) Action to be taken by the person discovering a fire;
- (2) Method to be used for sounding an alarm on the premises;
- (3) Action to be taken for evacuation of the building and assuring accountability of the children; and
- (4) Action to be taken pending arrival of the fire department.

NEW SECTION

**WAC 388-155-670 Fire evacuation drill.** A fire evacuation drill shall be conducted at least once each month. A written record, the fire safety record and evacuation plan, shall be maintained and posted on the premises indicating the date, time and other required entries on the form. Such forms are available from the office of child care policy.

NEW SECTION

**WAC 388-155-680 Staff training.** The licensee and each employee or assistant shall be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

- (1) Operation of fire extinguisher installed on the premises.
- (2) Testing smoke detectors (single station types).
- (3) Conducting frequent inspections of the home to identify fire hazards and take action to correct any hazards noted during the inspection. Such inspections should be conducted on a monthly basis and records kept on the premises for review by the licensor.

**WSR 96-10-043  
PERMANENT RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 3974—Filed April 26, 1996, 2:46 p.m.]

Date of Adoption: April 26, 1996.

Purpose: Provides an appeal process for persons disqualified from employment in a child care facility because of a finding or allegation of child abuse or neglect.

Citation of Existing Rules Affected by this Order: Amending WAC 388-73-036, 388-160-120, 388-150-090, 388-160-090, 388-73-030, 388-155-090, 388-330-010, 388-330-035, and 388-151-090.

Statutory Authority for Adoption: RCW 74.15.030.

Adopted under notice filed as WSR 96-05-061 on February 20, 1996.

Changes Other than Editing from Proposed to Adopted Version: The changes from the proposed text to the adopted text are in editing changes eliminating the word "committed" which is more often used in response to criminal offenses

rather than findings of child abuses. Also, a change is incorporated to ensure a prompt response to a request for an informal meeting.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 9, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 9, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 9, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
April 26, 1996  
Philip A. Wozniak  
for Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-11 issue of the Register.

**WSR 96-10-044**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3972—Filed April 26, 1996, 2:47 p.m.]

Date of Adoption: April 26, 1996.

Purpose: Adjust state costs for the supplemental security income (SSI) state supplement in 1996 to meet 1995 total expenditures by increasing the payment in each category by 5.8 percent.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1700 Standards of assistance—Supplemental security income.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Legislative decision in the 1995 budget bill.

Adopted under notice filed as WSR 96-07-008 on March 8, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.  
April 26, 1996  
Philip A. Wozniak  
for Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3903, filed 9/27/95, effective 10/28/95)

**WAC 388-250-1700 Standards of assistance—Supplemental security income.** Effective ((November) ~~January 1, ((1995))~~ 1996, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

	Standard	Federal SSI Benefit	State Supplement
<b>Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties</b>			
Individual	<del>((481.80))</del> <u>495.42</u>	<del>458.00</del> <u>470.00</u>	<del>23.80))</del> <u>25.42</u>
Individual with one essential person	<del>((705.70))</del> <u>724.98</u>	<del>687.00</del> <u>705.00</u>	<del>18.70))</del> <u>19.98</u>
Couple:			
Both eligible	<del>((705.70))</del> <u>724.98</u>	<del>687.00</del> <u>705.00</u>	<del>18.70))</del> <u>19.98</u>
Includes one essential person	<del>((705.70))</del> <u>724.98</u>	<del>687.00</del> <u>705.00</u>	<del>18.70))</del> <u>19.98</u>
Includes ineligible spouse	<del>((600.97))</del> <u>622.73</u>	<del>458.00</del> <u>470.00</u>	<del>142.97))</del> <u>152.73</u>
<b>Area II: All Counties Other Than the Above</b>			
Individual	<del>((464.42))</del> <u>476.86</u>	<del>458.00</del> <u>470.00</u>	<del>6.42))</del> <u>6.86</u>
Individual with one essential person	<del>((687.00))</del> <u>705.00</u>	<del>687.00</del> <u>705.00</u>	<del>0))</del> <u>0</u>
Couple:			
Both eligible	<del>((687.00))</del> <u>705.00</u>	<del>687.00</del> <u>705.00</u>	<del>0))</del> <u>0</u>
Includes one essential person	<del>((687.00))</del> <u>705.00</u>	<del>687.00</del> <u>705.00</u>	<del>0))</del> <u>0</u>
Includes ineligible spouse	<del>((575.51))</del> <u>595.53</u>	<del>458.00</del> <u>470.00</u>	<del>117.51))</del> <u>125.53</u>

Areas I and II:

Eligible individual with more than one essential person: ((~~458~~)) \$470.00 for eligible individual plus ((~~229~~)) \$235.00 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ((~~687~~)) \$705.00 for eligible couple plus ((~~229~~)) \$235.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual	<del>((310.28))</del> <u>318.62</u>	<del>305.34</del> <u>313.34</u>	<del>4.94))</del> <u>5.28</u>
Individual with one essential person	<del>((463.35))</del> <u>475.72</u>	<del>458.00</del> <u>470.00</u>	<del>5.35))</del> <u>5.72</u>

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Couple:			
Both eligible	<del>((463.35</del>	<del>458.00</del>	<del>5.35))</del>
	<u>475.72</u>	<u>470.00</u>	<u>5.72</u>
Includes one essential person	<del>((463.35</del>	<del>458.00</del>	<del>5.35))</del>
	<u>475.72</u>	<u>470.00</u>	<u>5.72</u>
Includes ineligible spouse	<del>((393.54</del>	<del>305.34</del>	<del>88.20))</del>
	<u>407.55</u>	<u>313.34</u>	<u>94.21</u>

April 26, 1996  
 Philip A. Wozniak  
 for Merry A. Kogut, Supervisor  
 Rules and Policies Assistance Unit

Area I and II:  
 Eligible individual with more than one essential person: ~~((305.34))~~ \$313.34 for eligible individual plus ~~((152.66))~~ \$156.66 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~((458))~~ \$470.00 for eligible couple plus ~~((152.66))~~ \$156.66 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. ~~((Reduced))~~ Increased by ~~((five))~~ two dollars and ~~((sixty one))~~ nineteen cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

**WSR 96-10-045**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)

[Order 3971—Filed April 26, 1996, 2:48 p.m.]

Date of Adoption: April 26, 1996.

Purpose: Extends AFDC-E eligibility for up to a six-month period following full employment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases.

Statutory Authority for Adoption: RCW 74.12.036.

Adopted under notice filed as WSR 96-07-009 on March 8, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

**AMENDATORY SECTION** (Amending Order 3732, filed 5/3/94, effective 6/3/94)

**WAC 388-215-1390 Deprivation—Redetermination of eligibility when deprivation ceases.** When deprivation due to death, absence, incapacity, or unemployment ceases and the child remains in need, the department shall determine if another basis for deprivation exists.

(1) If it appears that another basis for deprivation may exist, but additional information or verification is needed to establish eligibility, the department shall:

(a) Request the necessary information or verification from the client following rules in chapter 388-212 WAC; and

(b) Continue assistance during the eligibility redetermination process.

(2) If deprivation ceases solely due to the qualifying parent working one-hundred hours or more a month, the department shall extend AFDC-E eligibility for up to an additional six-month period, if the child remains otherwise eligible.

(3) If no other basis for deprivation exists, the department shall:

(a) Determine the child ineligible for AFDC according to WAC 388-245-1510; and

(b) Terminate assistance following rules in chapter 388-245 WAC.

**WSR 96-10-051**  
**PERMANENT RULES**  
**UNIVERSITY OF WASHINGTON**

[Filed April 29, 1996, 3:26 p.m.]

Date of Adoption: April 19, 1996.

Purpose: These revisions to the student conduct code and the general conduct code are necessary to ensure that University of Washington policies and practices are in compliance with changes in state and federal statutes. In response to requests by students, moreover, the section in the student conduct code for the University of Washington on standards of conduct on campus has been expanded to be more specific in identifying prohibited actions.

Citation of Existing Rules Affected by this Order: Repealing WAC 478-120-060, 478-120-070, 478-120-080, 478-120-090, 478-120-110, 478-120-120 and 478-120-130; and amending WAC 478-120-010, 478-120-020, 478-120-030, 478-120-040, 478-120-050, and 478-120-100.

Statutory Authority for Adoption: RCW 28B.20.130.

Other Authority: RCW 28B.10.900 through 28B.10.903.

Adopted under notice filed as WSR 95-24-077 on December 4, 1995.

Changes Other than Editing from Proposed to Adopted Version: WAC 478-120-020 (3)(a), addition of the words "... and is not constitutionally and/or legally protected ..." just prior to the semicolon; WAC 478-120-020 (3)(h), replacement of the words "... of the conduct prohibited

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herein ..." with the words "... unlawful activity ..."; WAC 478-120-020(6), new subsection added which reads: "Nothing herein shall be construed to deny students their legally and/or constitutionally protected rights."; and WAC 478-120-040(7), new subsection added which reads: "A suspension or dismissal is considered a serious sanction and will be imposed only after the completion of the formal due process review provided for in this code."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 1, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 11, amended 6, repealed 7.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, amended 6, repealed 7.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 11, amended 6, repealed 7.

Effective Date of Rule: Thirty-one days after filing.

April 25, 1996

Rebecca Goodwin Deardorff  
Administrative Procedures Officer

#### AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

**WAC 478-120-010 Student conduct code— Authority.** Pursuant to chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established the following regulations on student conduct and student discipline on the university campus.

#### AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

**WAC 478-120-020 Standards of conduct.** (1) The university is a public institution having special responsibility for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the university also has the obligation to maintain conditions (~~which are~~) conducive to freedom of inquiry and expression (~~in~~) to the maximum degree compatible with the orderly conduct of its functions. For these purposes, the university is governed by the rules, regulations (~~and~~), procedures (~~which~~), policies, and standards of conduct that safeguard its functions and (~~which, at the same time,~~) protect the rights and freedoms of all members of the academic community.

(2) Admission to the university carries with it the presumption that (~~the~~) students will conduct (~~himself~~) themselves as (~~a~~) responsible members of the academic community. (~~Thus, when he enrolls in the university, the student likewise assumes the obligation~~) As a condition of enrollment, all students assume responsibility to observe standards of conduct (~~which are appropriate~~) that will

contribute to the pursuit of academic goals and to the welfare of the academic community. (~~Stated in general terms, the student has the obligation to~~) That responsibility includes, but is not limited to:

(a) (~~Maintain~~) Practicing high standards of academic and professional honesty and integrity;

(b) (~~Respect~~) Respecting the rights, privileges, and property of other members of the academic community and visitors to the campus, and refraining from (~~actions which~~) any conduct that would interfere with (~~the~~) university functions or endanger the health, welfare, or safety(~~, or welfare~~) of other persons;

(c) (~~Comply~~) Complying with the rules (~~and~~), regulations, procedures, policies, standards of conduct, and orders of the university and its schools, colleges, and departments.

(3) Specific (~~regulations on student activities shall be in accord with these general standards~~) instances of misconduct include, but are not limited to:

(a) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the university campus and is not constitutionally and/or legally protected;

(b) Physical abuse of any person, or conduct intended to threaten imminent bodily harm or to endanger the health or safety of any person on the university campus;

(c) Conduct on the university campus constituting a sexual offense, whether forcible or nonforcible, such as rape, sexual assault, or sexual harassment;

(d) Malicious damage to or malicious misuse of university property, or the property of any person where such property is located on the university campus;

(e) Refusal to comply with any lawful order to leave the university campus or any portion thereof;

(f) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the university campus, except for authorized university purposes, unless prior written approval has been obtained from the vice-president for student affairs, or any other person designated by the president of the university (see WAC 478-124-020 (2)(e)) (legal defense sprays are not covered by this section);

(g) Unlawful possession, use, distribution, or manufacturer of alcohol or controlled substances (as defined in chapter 69.50 RCW) on the university campus or during university-sponsored activities;

(h) Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct on the university campus;

(i) Hazing, or conspiracy to engage in hazing, which includes:

(i) Any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the university; and

(ii) Conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (i)(i) of this subsection, but including such conduct as humiliation by ritual act and sleep

deprivation. Consent is no defense to hazing. Hazing does not include customary athletic events or other similar contests or competitions;

(j) Falsely reporting a violation of the student conduct code.

(4) Disciplinary action may be taken in accord with this chapter regardless of whether that conduct also involves an alleged or proven violation of law.

(5) An instructor has the authority to exclude a student from any class session in which the student is disorderly or disruptive. If the student persists in the disorderly or disruptive conduct, the instructor should report the matter to the dean of the school or college in which the student is enrolled. (See WAC 478-120-030(3).)

(6) Nothing herein shall be construed to deny students their legally and/or constitutionally protected rights.

AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

WAC 478-120-030 General procedures for disciplinary ~~(actions)~~ sanctions. (1) ~~(Most disciplinary proceedings will be conducted informally between the student and his academic dean in matters relating to the student's academic work and between the student and the office of student affairs in other matters. (See WAC 478-120-050 for jurisdiction.) More formal procedures are provided, however, including an impartial hearing before the university disciplinary committee; these procedures may be invoked either by the officer dealing with the case or by the student involved.)~~ This section describes the general process under the student conduct code for enforcing the university's rules, regulations, procedures, policies, standards of conduct, and orders. The specific procedures to be used at each step of the process are described in the following sections of this chapter. In all situations, whether handled formally or informally, basic standards of fairness will be observed in the determination of:

(a) The truth or falsity of the charges against the student;

(b) Whether the alleged misconduct ~~(is, in fact, a violation of university standards of conduct)~~ violates this code; and ~~(;) if so,~~

(c) ~~(What)~~ The sanctions ~~(should)~~ to be imposed, if any.

The criteria for judging student misconduct shall ~~(be the general)~~ include, but not be limited to, the standards of conduct as stated in WAC 478-120-020 ~~(or as modified and interpreted in accordance with the procedures specified in WAC 478-120-110)~~. Informal hearings shall use the procedures in chapter 34.05 RCW governing brief adjudicative proceedings. Formal hearings conducted by the faculty appeal board shall follow the procedures required by chapter 34.05 RCW for formal adjudicative proceedings. Informal settlements may be conducted under the authority of RCW 34.05.060.

(2) Persons who believe that a violation of the student conduct code has been committed should contact the vice-president for student affairs.

(3) Only the dean of the school or college in which a student is enrolled or the vice-president for student affairs may initiate disciplinary proceedings against a student under

this code of conduct. (See WAC 478-120-050.) The deans and the vice-president for student affairs may delegate the authority to initiate disciplinary proceedings consistent with this chapter to members of their staffs and to students. They may also establish student or student-faculty hearing bodies to advise or to act for them in disciplinary matters. The person initiating a disciplinary proceeding shall be referred to as the initiating officer.

(4) The initiating officer will begin a disciplinary proceeding by holding, or directing a member of his or her staff to hold, an informal hearing with the student charged with misconduct. Based on this informal disciplinary hearing, the initiating officer may choose to exonerate the student, dismiss the action, impose an appropriate sanction, and/or refer the matter to the university disciplinary committee. (See WAC 478-120-065.) If the initiating officer identifies a potential or existing exceptional circumstance, as defined in WAC 478-120-100 (3)(b)(i),

"Exceptional circumstances exist when:

(A) The sanction of dismissal has been recommended;

or

(B) The student has been charged with hazing; or

(C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or

(D) Suspension has been recommended," the matter shall be referred directly to the faculty appeal board. (See WAC 478-120-100.)

(5) Students have the right to appeal any sanction imposed at an informal hearing to the university disciplinary committee, except that when such sanction identifies an existing or potential exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i), the matter shall be referred directly to the faculty appeal board.

(6) Any decision of the university disciplinary committee may be appealed to the faculty appeal board. All decisions of the university disciplinary committee identifying existing or potential exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) shall be referred directly to the faculty appeal board. In addition, the university disciplinary committee may, at any time, in its discretion, refer a matter directly to the faculty appeal board. The faculty appeal board performs distinct functions. In most cases, the faculty appeal board conducts an administrative review. In certain cases (defined in WAC 478-120-100(3)), the faculty appeal board conducts a formal hearing.

(7) Any decision based on a formal hearing conducted by the faculty appeal board may be appealed to the president of the university or the president's delegate for a final review. All orders of dismissal shall be reviewed by the president or the president's delegate. Orders entered by the president or the president's delegate are final. (See WAC 478-120-125.)

(8) The president or his or her delegate may take emergency disciplinary action when a student's conduct threatens the health, welfare, or safety of the university community or members thereof. (See WAC 478-120-140.)

(9) When questions of mental or physical health are raised in conduct cases, the dean, the ~~(office of)~~ vice-president for student affairs, ~~(or)~~ their delegates, the university disciplinary committee, or the faculty appeal board may request the student to appear for examination before two physician-consultants designated by the dean of the

school of medicine. If the student agrees, the physician-consultants may call upon the student health center for any other professional assistance they deem necessary. After examining the student and/or consulting with the student's personal physician, the physician-consultants shall make a recommendation to the (referring agency) dean, the vice-president for student affairs, their delegates, the university disciplinary committee, or the faculty appeal board as to whether the case should be handled as a disciplinary matter or as a case for medical or other treatment. Any decision(9) made based upon ((these)) the recommendation((9 are the responsibility of the referring agency. Such decisions may be appealed in accordance with the provisions of WAC 478-120-070 and 478-120-090(1))) of the physician-consultants may be appealed in accordance with the provisions of this chapter.

~~((3) In the case of student conduct which involves an alleged or proven violation of law, the disciplinary authority of the university will not be used to duplicate the function of civil authorities. Disciplinary action may be taken if the conduct also involves a violation of university standards and the interests of the university community are distinct from those of the civil authorities.~~

~~(4) A student who has been judged to have violated university standards of conduct will be subject to disciplinary sanctions up to and including dismissal from the university for the most serious offenses. In the case of students who are unmarried minors, such sanctions may be reported to parents or legal guardians at the discretion of the officer or agency taking the action except that dismissal of a minor will always be reported to his parents or legal guardians.))~~

(10) The following persons conducting proceedings under this chapter shall have the authority to issue protective orders and subpoenas: Deans, the vice-president for student affairs, the chair of the university disciplinary committee, the chair of the faculty appeal board, and the president or his or her delegate.

(11) In a case involving an alleged sexual offense, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary hearing and they shall both be informed of the outcome of such disciplinary proceeding.

(12) Any final order resulting from a disciplinary proceeding shall become a part of the student's disciplinary record, unless the student is exonerated. (See WAC 478-120-145.)

(13) In accord with the Family Educational Rights and Privacy Act and pursuant to RCW 34.05.250, all hearings conducted under this chapter generally will be held in closed session out of respect for the privacy of all the students involved. However, the students involved may waive in writing this requirement and request a hearing in open session, and the initiating or presiding officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The initiating or presiding officer may exclude from the hearing room any persons who are disruptive of the proceedings and may limit the number who may attend the hearing in order to afford safety and comfort to the participants and orderliness to the proceedings.

AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

WAC 478-120-040 Disciplinary sanctions. The following ((definitions of)) disciplinary ((terms have been established to provide consistency in the application of)) sanctions may be imposed for violations of the student conduct code:

(1) Disciplinary warnings and reprimands - ((notice to a student, either verbally or in writing, that he has been in violation of university rules or regulations or has otherwise failed to meet the university's standards of conduct. Such warnings will)) action may be taken to warn or to reprimand a student for violation of university rules, regulations, procedures, policies, standards of conduct, or orders. Warnings and reprimands must always be made in writing and shall include ((the)) a statement that continuation or repetition of the specific conduct ((involved)) or other misconduct will normally result in one or more of the more serious disciplinary ((actions described in WAC 478-120-040 (2), (3), (4) and (5))) sanctions: Restitution, disciplinary probation, suspension, or dismissal.

(2) ((Reprimand—formal action censuring a student for violation of university rules or regulations or for failure to meet the university's standards of conduct. Reprimands are always made in writing to the student by the officer or agency taking action, with copies to the office of student affairs. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described in WAC 478-120-040 (3), (4) and (5).))

(3)) Restitution - an individual student may be required to make restitution for damage ((or loss to university)) or other loss of property and for injury to persons. Failure to pay, or to make in writing university-approved arrangements to pay, will result in cancellation of the student's registration and will prevent the student from ((reregistration)) registering with the university.

((4)) (3) Disciplinary probation - ((formal action placing conditions upon the)) a student may be placed on disciplinary probation (meaning formal conditions are imposed on a student's continued attendance) for violation of university rules ((or)), regulations ((or other failure to meet the university's standards of conduct. The office placing the student on disciplinary probation will specify in writing the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities)), procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the disciplinary probation shall be specified. Disciplinary probation ((warns the)) serves as a warning to a student that ((any)) further misconduct will ((automatically)) raise the question of suspension or dismissal from the university. ((Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the university.))

(4) Suspension - a student may be suspended from the university for violation of university rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the suspension shall be specified. Suspension serves as a warning to a student

that further misconduct will raise the question of dismissal from the university.

~~(5) Dismissal - ((termination of student status for violation of university rules or regulations or for failure to meet the university's standards of conduct. Students may be dismissed only with the approval of the president of the university and on the recommendation of the dean of a college or school, the office of student affairs, or the university disciplinary committee. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate in writing the term of the dismissal and any special conditions which must be met before readmission. In the case of an unmarried student under twenty one years of age, a copy of the notification of dismissal will be sent to the parents or the guardian of the student. There is no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter are to be refunded)) a student's enrollment in the university may be terminated for violation of university rules, regulations, procedures, policies, standards of conduct, or orders.~~

(6) Forfeiture - in addition to other sanctions, a student who participates in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.

(7) A suspension or dismissal is considered a serious sanction and will be imposed only after the completion of the formal due process review provided for in this code.

AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

WAC 478-120-050 Jurisdiction. (1) The vice-president for student affairs, or his or her delegate, may initiate any disciplinary action related to violations of any of the university's rules, regulations, procedures, policies, standards of conduct, or orders. Jurisdiction in such cases may be transferred to the dean of the school or college in which the student is enrolled if the alleged misconduct bears upon the student's fitness to continue in the school or college.

(2) Additionally, the dean of each college or school, including the graduate school, ((is responsible for initiating disciplinary proceedings for infractions of the rules and regulations of that college or school or for misconduct in academic work (cheating, plagiarism, etc.). When a case involving academic misconduct is brought before the university disciplinary committee, that committee may consult the initiating dean on rules or standards of academic discipline within that school or college.

(2) The initiation of proceedings for violation of university wide regulations or for misconduct unrelated to the student's academic work is the responsibility of the office of student affairs, except that jurisdiction may be transferred to the dean of the college or school in which the student is enrolled when the office of student affairs and the dean of that college or school agree that the alleged misconduct bears upon the student's fitness to continue in the college or school.

(3) Misconduct in academic work by a student enrolled in another college or school shall be reported to the dean of the college in which the student is enrolled through the dean of the college offering the course. The dean of the college

in which the student is enrolled shall be responsible for taking or initiating appropriate disciplinary action. In the case of a nonmatriculated student, the dean of the college offering the course shall be responsible for taking or initiating appropriate disciplinary action.

(4) The provisions of these sections do not apply to the evaluation of a student's academic performance, including the assignment of grades by instructors. Each college and school provides orderly procedures for the review of grades if such review is requested by the student. An instructor need not give credit for work which is the product of cheating, plagiarism or other academic misconduct.

However, the lowering of a course grade is not appropriate as a disciplinary sanction; if disciplinary action is warranted by academic misconduct, it will be initiated by the provisions of this section.

(5) An instructor has the authority to exclude a student from any class session in which the student is disorderly or disruptive. Should such disorderly or disruptive conduct persist, the instructor should report the matter to the dean of the school or college in which the student is enrolled. The dean may initiate disciplinary action as provided in WAC 478-120-060.

(6) Special and more detailed rules and regulations regarding conduct in the residence halls may be promulgated by the director of student residences subject to review and approval by the office of student affairs. Authority to impose disciplinary sanctions for the violation of such rules and regulations is delegated to the director of student residences by the vice president for student affairs. Appeals from these actions of the director will be addressed in the first instance to the vice president for student affairs or his designated representatives. The office of student affairs reserves the right to remove students from the residence halls for disciplinary reasons. These actions may be further appealed to the university disciplinary committee.

(7)) or the dean's delegate, may initiate any disciplinary action:

(a) Related to violations of university rules, regulations, procedures, policies, standards of conduct, and orders which pertain to that particular college or school; and

(b) Related to violations of rules, procedures, policies, and standards of conduct of that particular college or school. The student academic grievance procedure is a separate procedure and is set forth in the *University Handbook* (graduate school students should also refer to Graduate School Memorandum No. 33). Violations involving academic misconduct should be reported to the dean of the appropriate school or college.

(3) Other departments of the university have proceedings separate and distinct from the student conduct code. For example:

(a) Campus traffic regulations are under the general jurisdiction of the police department of the university. The ((university traffic court)) citation hearing office has jurisdiction to hear and decide all cases involving alleged violations of ((such)) traffic regulations. (See chapter ((478-16 [478-116])) 478-116 WAC.)

((8) Library borrowing and use regulations, including fines for late return of library materials and repair and replacement costs for damaged or lost materials are under the jurisdiction of the university library-)) (b) The library

~~((advisory)) fines appeals committee has ((jurisdiction to hear)) the authority to consider appeals ((from decisions of the director of libraries and to decide cases involving alleged violations of rules relating to borrowing and use of library materials, including fines for late returns and costs of repair or replacement)) of library charges. (See chapter 478-168 WAC.)~~

#### NEW SECTION

##### **WAC 478-120-065 Informal disciplinary hearings.**

(1) A dean or the vice-president for student affairs or his or her delegate may initiate a disciplinary proceeding by conducting, or directing a member of his or her staff to conduct, an informal hearing with the student accused of misconduct. This informal disciplinary hearing may be nothing more than a face-to-face meeting between the initiating officer or staff person and the student, and no special notice of the meeting is required. The purpose of this informal disciplinary hearing is to provide an opportunity for the student to respond to allegations of misconduct before disciplinary action is taken, and the student waives any rights to an informal hearing by his or her failure to attend.

(2) During an informal disciplinary hearing, the student must be provided with the following information:

(a) The alleged misconduct and the reasons for the university's belief that the student engaged in the misconduct;

(b) The specific section(s) of the student conduct code allegedly violated; and

(c) The possible sanctions that may be imposed.

(3) Based on the findings of an informal hearing, the initiating officer shall enter in writing one of the following orders:

(a) An order exonerating the student or dismissing the disciplinary proceeding if it appears that there has been no misconduct;

(b) An initial order imposing a disciplinary sanction;

(c) An order referring the matter to the university disciplinary committee; or

(d) An order referring the matter directly to the faculty appeal board because exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) may exist.

(4)(a) If the order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) exist, the matter shall be referred directly to the faculty appeal board and the student shall be informed that he or she has the right to request a formal hearing according to the procedures set forth in WAC 478-120-075(3).

(b) If the order imposes a sanction but exceptional circumstances do not exist, then the student must be informed that he or she has twenty-one calendar days from the date of the order (or twenty-five calendar days from the date of the mailing of the initial order) to request a hearing before the university disciplinary committee. If the student chooses not to appeal, the order becomes the final order.

(5) Within ten days of the conclusion of the hearing and any associated investigations, the student shall be provided with a written order which shall include a statement of the decision, the reasons for the decision, and information about appealing the decision. No unfavorable action may be taken

against the student until the student has been given such notice and information. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of that hearing. In a case where the student is a minor, the disciplinary sanctions imposed may be reported to the student's parents or legal guardian at the discretion of the initiating officer.

(6) A student may request a hearing by the university disciplinary committee at any time during these informal proceedings. If such a request is made, the matter shall be referred to the university disciplinary committee.

(7) The official record of this informal hearing shall consist of all documents prepared or considered by the dean or the vice-president for student affairs with regard to the dispute at hand.

#### NEW SECTION

**WAC 478-120-075 Appeals.** Any initial order may be appealed by timely submission of a written petition to the appropriate body. An order only referring a matter from one hearing body to another, not determining the matter on its merits, is not an initial order.

(1) If a student does not appeal to the appropriate body within twenty-one days of the initial order (or within twenty-five calendar days of the date when the university mailed the initial order to the student), the right to appeal is waived and the order becomes final.

(a) All initial orders shall be hand delivered or delivered by mail.

(b) Any student involved in a disciplinary hearing is required to provide his or her current and accurate address to the office of the vice-president for student affairs.

(2) All petitions for appeal must be made in writing to the appropriate authority (the chair of the university disciplinary committee, the chair of the faculty appeal board, or the president). The petition must state the reasons for the appeal and indicate points of disagreement with the initial order.

(3) If a student wishes to request a formal hearing before the faculty appeal board, the student's written petition for appeal must also state that a formal hearing is being requested and must identify the specific exceptional circumstances (as defined in WAC 478-120-100 (3)(b)(i)) warranting such a hearing. When conducting administrative reviews of informal hearings, the faculty appeal board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal disciplinary hearing.

(4) After conducting the appropriate review, the appeal body or the president may sustain, reduce, or vacate the sanction imposed by the initial order, except if that review is in the form of a formal hearing before the faculty appeal board, that board may increase any sanction.

(5) Only the president or the president's delegate may issue a final order of dismissal.

(6) Sanctions, if any, will be imposed only after an order becomes final, except for actions taken under WAC 478-120-140.

NEW SECTION

**WAC 478-120-085 The university disciplinary committee.** The university disciplinary committee shall consist of a nonvoting chair, three voting faculty members, and three voting student members. The committee shall be maintained for the purpose of providing hearings for disciplinary actions that have been initiated by the deans or the vice-president for student affairs or their delegates.

(1) The president of the university shall designate a member of the faculty or administration to serve as chair of the university disciplinary committee for a term of one year. The chair may be reappointed for consecutive terms.

(a) The chair shall ensure that all procedural safeguards and guidelines are followed. Accordingly, the chair shall decide all procedural questions that arise in relation to hearings, including rulings on evidence (as defined in WAC 478-120-095(3)) and challenges to the impartiality of committee members. The chair shall have the discretion to regulate all aspects of the proceedings.

(b) The chair shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner.

(2) The three voting faculty members of the university disciplinary committee shall be selected at random to serve one-year terms. Voting faculty members may not be reappointed to consecutive terms.

(a) Panels of eligible faculty members shall be randomly selected to serve on the committee in the order in which they were selected, except that each faculty member of the committee must represent a different faculty senate group.

(b) Faculty members must have been members of the faculty for at least one year and hold the position of assistant professor or higher in order to be eligible to serve as voting members of the university disciplinary committee.

(3) The three voting student members of the university disciplinary committee shall be selected at random from the student body to serve one-year terms. Student members of the committee may not be reappointed.

(a) Panels of eligible students shall be selected randomly from the entire full-time student body to serve as committee members or alternates in the order in which they were selected, except that one member must be a professional or graduate student and the other two members must represent different undergraduate classes.

(b) To be eligible to serve on the university disciplinary committee, students must be full-time and in good standing with the university.

(4) In addition to the chair, a quorum shall be two faculty members and two student members. The chair shall select alternates from the panels of eligible faculty or students as needed to produce a quorum.

(5) A committee member may be disqualified from a particular hearing for bias, prejudice, conflict of interest, or any other reason which may prevent him or her from serving as an impartial judge of the matter before the committee.

(a) A committee member may excuse himself or herself for any of the causes set forth in this section by submitting a written statement to the committee chair stating facts and reasons for the disqualification.

(b) A student before the university disciplinary committee may challenge the impartiality of a committee member

by written petition. The chair shall determine whether to grant the petition and excuse the committee member from the case, and shall state the facts and reasons for that determination in writing.

(c) Any person who has been delegated the authority to initiate disciplinary proceedings is disqualified from serving as a member of the university disciplinary committee.

(6) The chair may relieve a member of the university disciplinary committee from serving on that committee for a particular case, for a specific period of time, or for the rest of the year after the member submits a written request to the chair.

(7) Members of the university disciplinary committee shall begin their terms on the first day of classes of winter quarter. Those terms shall expire on the first day of classes of the next winter quarter, except that cases in process shall be continued until a decision is reached. The new panels of committee members shall be identified by the outgoing chair, or by the person designated by the chair, through random procedures established by the chair.

NEW SECTION

**WAC 478-120-095 Hearings before the university disciplinary committee.** The purpose of a hearing before the university disciplinary committee is to provide all parties with an opportunity to present evidence and argument before disciplinary sanctions are imposed on a student. Based on the evidence presented at this hearing, the committee shall determine whether the student has engaged in the alleged misconduct. If there is a finding of misconduct, the committee shall then determine the appropriate sanction to be imposed.

(1) When a hearing is scheduled before the university disciplinary committee, the chair of the committee shall provide the student with written notice of the following information:

- (a) The time and place of the hearing;
- (b) The allegations of misconduct against the student;
- (c) A list of all witnesses who may be called to testify;
- (d) A description of all documentary and real evidence to be presented at the hearing, including a copy of his or her disciplinary file; and
- (e) The sanctions that may be imposed at the hearing if the allegations of misconduct are found to be true.

(2) The chair of the committee shall adhere to the following procedures at all disciplinary hearings:

(a) The student shall be provided with a reasonable opportunity (at least seven days) to gather evidence, contact witnesses, and prepare a defense for the hearing.

(b) The student may be accompanied by an advisor of the student's choice.

(c) The student is entitled to hear all testimony and examine all evidence that is presented at the hearing. In response, the student may present evidence and witnesses on his or her own behalf and may ask questions of any other witnesses.

(d) No student shall be compelled to give self-incriminating evidence.

(3) Evidence shall be admissible at the hearing if it is the type of evidence that reasonably prudent members of the

university community would rely upon in the conduct of their affairs.

(4) The initiating officer (the appropriate dean, the vice-president for student affairs, or his or her delegate) must prove by a preponderance of the evidence presented at the hearing that the student has engaged in the alleged misconduct. The committee shall base its factual determination solely on the evidence presented at the hearing.

(a) Decisions of the university disciplinary committee will be made based on a simple majority vote of the committee.

(b) If the university disciplinary committee cannot reach a decision by simple majority vote, an order shall be entered referring the matter to the faculty appeal board. Where exceptional circumstances exist, the student shall be notified of the right to request a formal hearing. Otherwise, the faculty appeal board shall conduct an administrative review as provided under WAC 478-120-100 (1) and (2).

(5) If at any time after a matter has been referred to the university disciplinary committee the chair determines that the matter should properly be before the faculty appeal board, the chair may refer the matter to the faculty appeal board and shall provide the student with written notice of the referral and of the opportunity to request a formal hearing if exceptional circumstances exist. (See WAC 478-120-100 (3)(b)(i).)

(6) If the committee determines that the student has violated the university's rules, regulations, procedures, policies, standards of conduct, or orders, it shall then determine the appropriate sanction to be imposed. When determining the appropriate sanction, the committee shall review the evidence presented at the hearing and the student's past record of conduct at the university.

(7) The chair of the university disciplinary committee shall provide the student with a written statement of the committee's decision within ten days of the conclusion of the hearing. This written statement shall include the committee's factual findings, the conclusions that have been drawn from those findings, the reasons for those conclusions, and the sanctions, if any, to be imposed. If sanctions are imposed, the student must also be informed of the appropriate procedures for appealing the committee's decision to the faculty appeal board. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the hearing. In a case where the student is a minor, the written statement of the committee's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the university disciplinary committee.

(8) This written statement of the committee's decision shall be the committee's initial order. If the student chooses not to appeal, the initial order of the university disciplinary committee becomes the final order at the end of the appeal period set forth in WAC 478-120-075(1), except that orders of dismissal shall be referred to the president.

(9) The student may choose to present evidence to the chair of the university disciplinary committee rather than at a hearing before the full committee. The student's waiver of the right to a hearing before the university disciplinary committee must be submitted in writing to the chair of the committee. The chair will submit the student's evidence and

arguments to the full committee and the committee will make its decision based on the chair's report.

(10) All proceedings of the committee will be conducted with reasonable dispatch and be terminated as soon as possible, consistent with fairness to all parties involved. The chair shall have the discretion to continue the hearing.

(11) An adequate summary of the proceedings will be kept. Such a summary shall include all documents that were considered by the committee and may include a tape recording of the testimony and any other documents related to the hearing.

(12) A report of the university disciplinary committee shall, upon written request and release by the student or students involved, and subject to the requirements of the Family Educational Rights and Privacy Act, be made available to members of the university community through the vice-president for student affairs.

#### AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

**WAC 478-120-100 Faculty appeal board.** ~~((+))~~ The faculty appeal board shall be composed of seven members of the faculty to be appointed by the ~~((chairman))~~ chair of the faculty senate ~~((in))~~ after consultation with the faculty council on student affairs. ~~((One member of the faculty appeal board shall be designated by the chairman of the faculty senate as chairman of the board. Individual))~~ The chair of the faculty senate shall appoint one of the members to be the chair of the faculty appeal board. The faculty appeal board shall conduct either administrative reviews or formal hearings and the procedures to be used shall depend on the nature of the appeal before the board. Cases may be heard by the entire board or by ~~((subgroups))~~ panels of no fewer than three board members.

(1) The faculty appeal board may conduct an administrative review when exceptional circumstances do not exist or the student has not requested a formal hearing in writing.

~~((The faculty appeal board shall hear three types of cases:~~

~~(a) Appeals by the student defendant from the action of the disciplinary committee.~~

~~(b) All cases involving recommendations of dismissal.~~

~~(c) Appeals by the vice president for student affairs, by a dean, or by their representatives. In the case where it is felt that the disciplinary committee has imposed too light a penalty, and where the student himself has not appealed to the faculty appeal board, the dean or the vice president for student affairs, or their representatives, may request an advisory review of the case by the faculty appeal board. If, in the opinion of the board, the complainant's view is correct, the sanction imposed on the student may not be increased in that specific case but the board may request that the issue be discussed by the joint council (see WAC 478-120-110), or that the faculty council on student affairs prepare additional guidelines for the disciplinary committee.)~~ The procedures for conducting such administrative review are set forth in WAC 478-120-105. The chair shall maintain a record of all administrative reviews conducted by the faculty appeal board. At a minimum, such a record shall include all documents that were considered by the board and

may include a tape recording of all testimony and all other documents related to the review.

(3) ((All procedural safeguards detailed in WAC 478-120-090 for cases before the disciplinary committee shall hold for hearings before the faculty appeal board.)) The faculty appeal board shall conduct a formal hearing when:

(a) The student requests a formal hearing before the faculty appeal board in writing setting forth the exceptional circumstances that exist (see below); and

(b) The chair reviews the student's written request and determines that exceptional circumstances do exist. Additionally, the faculty appeal board may conduct a formal hearing in other circumstances as the board deems appropriate. If the faculty appeal board does not conduct a formal hearing, it shall conduct an administrative review of the prior decision.

(i) Exceptional circumstances exist when:

(A) The sanction of dismissal has been recommended;

or

(B) The student has been charged with hazing; or

(C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or

(D) Suspension has been recommended.

(ii) If the faculty appeal board decides not to grant a student's written request for a formal hearing, the chair shall provide the student with a written copy of the board's decision and a brief statement of the reasons for denying the petition within ninety days as specified in WAC 478-120-115(2).

(4) If a matter is referred directly to the faculty appeal board and there is no initial order, then the faculty appeal board shall determine whether exceptional circumstances exist or could exist. If exceptional circumstances exist or could exist, then the board shall notify the student in writing that he or she has twenty-one days from the date of the notice or twenty-five days from the date of mailing the notice to request a formal hearing. If the student fails to make such a request, any right to a formal hearing is waived.

(5) Formal hearings conducted by the faculty appeal board shall be according to the procedural guidelines set forth in WAC 478-120-115 and chapter 34.05 RCW.

(a) At the conclusion of the formal hearing, the faculty appeal board shall enter an initial order based on the findings of that hearing. That initial order shall include a written statement of the board's decision and the basis for that decision, including procedures for appealing the decision to the president or president's delegate. The initial order shall be provided to the student within ninety days of the conclusion of the hearing. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the board's decision. In a case where the student is a minor, the board's decision may be reported to the student's parents or legal guardian at the discretion of the initiating officer.

(b) An initial order from a formal hearing may be appealed to the president of the university or the president's delegate for a final administrative review.

(c) If the student chooses not to appeal, the initial order of the faculty appeal board shall become the final order, except that orders of dismissal entered by the faculty appeal board shall be reviewed by the president or the president's delegate.

(6) The record in cases in which the faculty appeal board conducts a formal hearing shall be as specified in WAC 478-120-115(15).

(7) Board members may be disqualified from a particular formal hearing for bias, prejudice, conflict of interest, or any other reason which may prevent them from serving as impartial judges of the matter before the board.

(a) A committee member may excuse himself or herself for any of the causes set forth in this section by submitting a written statement to the board chair stating facts and reasons for the disqualification.

(b) A student before the faculty appeal board may challenge the impartiality of a board member by written petition. The chair shall determine whether to grant the petition and excuse the board member, stating the facts and reasons for the determination in writing.

(c) Faculty who have been delegated the authority to initiate disciplinary proceedings are disqualified from serving as members of the faculty appeal board.

(8) At the discretion of the chair, board members may be excused from a particular hearing on the basis of compelling personal need after submitting a written request to the chair explaining the basis of the request.

#### NEW SECTION

**WAC 478-120-105 Administrative review by the faculty appeal board.** (1) The faculty appeal board may conduct administrative review when exceptional circumstances do not exist or the student has not requested a formal hearing. When the faculty appeal board determines that administrative review is appropriate, the chair shall notify all parties of that decision. The notice to the parties shall include a statement of:

(a) The allegations of misconduct against the student;

(b) The sanctions that were recommended by the initiating officer or the university disciplinary committee, if any;

(c) A date by which any voluntarily submitted written briefs or statements must be submitted.

(2) When the faculty appeal board conducts an administrative review, the board may base its review on:

(a) All documents and any recordings considered by the initiating officer or the university disciplinary committee; or

(b) Oral and/or written argument of both parties; or

(c) Additional evidence.

(3) At the conclusion of its review, the faculty appeal board shall enter an order. An initial order may be appealed and a final order may not be appealed, except that final orders of dismissal shall be reviewed by the president or the president's delegate. The student shall be provided with a written order which shall include a written statement of the board's decision within ten days of the conclusion of the review and information on rights of appeal, if any. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the review. In a case where the student is a minor, the board's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the faculty appeal board.

**NEW SECTION**

**WAC 478-120-115 Formal hearings before the faculty appeal board.** (1) The faculty appeal board shall conduct a formal hearing when exceptional circumstances exist and the student has requested in writing a formal hearing. Additionally, the faculty appeal board may conduct a formal hearing in other circumstances as the board deems appropriate.

(2) Within thirty days after receipt of a written petition for a formal hearing before the faculty appeal board, the board shall notify the requesting party of any obvious errors or omissions in the party's petition, request any additional information the board wishes to obtain and is permitted by law to require, and notify the requesting party of the name, mailing address, and telephone number of an office or person who may be contacted regarding the formal hearing.

(3) Within ninety days after receipt of a written petition for formal hearing or within ninety days after the party's response to a timely request from the board as provided in subsection (1) of this section, the board shall either deny the formal hearing or commence the formal hearing.

(4) Once the board decides to conduct a formal hearing, the chair of the faculty appeal board shall schedule the time and place of the hearing and give not less than seven days advance written notice of the hearing to all parties. That notice shall include:

(a) The names and addresses of all parties to whom notice is being given, and if known, the names and addresses of their representatives;

(b) The name, business address, and telephone number of the person designated to represent the university at the hearing;

(c) The official file number and name of the proceeding;

(d) The name, mailing address, and telephone number of the chair of the faculty appeal board;

(e) A statement of the time, place, and nature of the hearing;

(f) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(g) A reference to the particular sections of university rules that are involved;

(h) A short and plain statement of the charges against the student; and

(i) A statement that a student who fails to attend the hearing or otherwise respond to this notice may lose his or her right to a formal hearing.

(5) If a student fails to attend or participate in a formal hearing, the faculty appeal board may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default order, the student may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

(6) The student may be represented by counsel and/or be accompanied by an advisor of the student's choice. No student shall be compelled to give self-incriminating evidence.

(7) The chair shall determine whether discovery is to be available, and, if so, which forms of discovery may be used. The chair may condition the use of discovery procedures on

a showing of necessity and unavailability by other means. In exercising such discretion, the chair shall consider:

(a) Whether all parties are represented by counsel;

(b) Whether undue expense or delay in bringing the case to a hearing will result;

(c) Whether the use of discovery will promote the orderly and prompt conduct of the proceeding; and

(d) Whether the interests of justice will be promoted.

The chair may decide whether to permit the taking of depositions, the requesting of admissions, or any other procedures authorized by rules 26 through 37 of the superior court rules.

(8) At appropriate stages of the hearing, the chair may give all parties an opportunity to submit and respond to briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders. To the extent necessary for a full disclosure of all relevant facts and issues, the chair shall afford both parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence. A party filing a pleading, brief, or other paper with the chair shall serve copies on all other parties.

(9) Evidence, including hearsay evidence, is admissible if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The chair shall decide rulings on the admissibility of evidence, and the Washington rules of evidence shall serve as guidelines for those rulings.

(10) All testimony of parties and witnesses shall be made under oath or affirmation.

(11) The faculty appeal board may appoint an examiner to conduct the actual hearing. The decision to use a hearing examiner requires the approval of a majority of the board members. The hearing examiner will then conduct the hearing and submit a detailed report to the faculty appeal board according to the provisions of this section.

(a) If a hearing examiner conducts the hearing, an audio recording of the hearing must be kept, and the recording and any transcription thereof must be provided to the board.

(b) The faculty appeal board may, at its option, request the hearing examiner to provide recommendations as to findings, conclusions, and decisions, but those recommendations shall not be binding on the board. The hearing examiner shall transmit to the board the full and complete record of the hearing and the board shall make its own findings, conclusions, and decisions based on the record.

(c) The hearing examiner will make initial rulings on the use of discovery, the admissibility of evidence, and the procedures for the hearing.

(d) The hearing examiner must be a member of the bar. Any member of the faculty appeal board who is also a member of the bar, including the chair, may serve as the hearing examiner.

(12) The chair of the faculty appeal board may issue subpoenas and enter protective orders.

(13) Members of the faculty appeal board must avoid ex parte communications with any party involved in the hearing regarding any issue other than communications necessary to maintaining an orderly procedural flow to the hearing. Ex

parte communications received by members of the board must be placed on the record, and the other party must be informed of the ex parte communication and given an opportunity to respond on the record.

(14) Findings, conclusions, and decisions by the faculty appeal board shall be based exclusively on the evidence of record from the hearing and on matters officially noted in the record.

(15) The board shall enter an initial order which shall be served in writing on the student within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings, whichever is later, unless the period is waived or extended for good cause shown. The student shall be informed of procedures for appealing the decision. If the student does not appeal the board's initial order within the time set out in WAC 478-120-075(1), the initial order of the board shall become the final order, except all orders of dismissal shall be reviewed by the president or the president's delegate.

(16) The chair shall maintain an official record of the hearing. The record shall contain those items specified in RCW 34.05.476.

#### NEW SECTION

**WAC 478-120-125 Review by the president of the university.** (1) Any order of the faculty appeal board that is based on the findings of a formal hearing may be appealed for a final review to the president or the president's delegate. The student must submit an appeal in writing within twenty-one days of service of the board's order, or twenty-five days of mailing the order, unless the order specifies a different time limit. Any appeal shall specify the portion of the board's order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition. However, the president or the president's delegate shall review all orders of dismissal, regardless of whether the student appeals.

(2) The president or the president's delegate shall consider the entire record of the disciplinary proceeding or such portion as may be cited by the student. At the president's or the president's delegate's discretion, the parties may also supplement the record with additional evidence.

(3) The parties may present their arguments to the president or the president's delegate in writing, and the president or the president's delegate may, at his or her discretion, afford each party an opportunity for oral argument.

(4) After reviewing the record and considering the arguments of the two parties, the president or the president's delegate shall enter a final order disposing of the matter or remanding the case for further proceedings and provide the student with a copy of that order.

(5) In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the review. In a case where the student is a minor, the decision of the president or the president's delegate may be reported to the student's parents or legal guardian at the discretion of the president or president's delegate.

(6) Notwithstanding any other provisions of this chapter, and before an initial order becomes final, the president or the

president's delegate may review the order. Any such review shall be in accord with RCW 34.05.464 and 34.05.491.

#### NEW SECTION

##### **WAC 478-120-135 Reconsideration of final orders.**

(1) Within ten days of the service of a final order from the president or the president's delegate, the student may file a request for reconsideration, stating in writing specific reasons for the request. The request shall be directed to the president or the president's delegate.

(2) A request for reconsideration is only intended to correct obvious mistakes in the judgment or order and should not be used to reargue the case. Filing a request for reconsideration is not a prerequisite for obtaining judicial review, and denial of the request is not subject to judicial review.

(3) The request for reconsideration shall be promptly considered. If, within twenty days from the date the request is filed, the president or president's delegate does not either (a) dispose of the request, or (b) serve the student with a written notice specifying the date by which it will act upon the request, the request is deemed to be denied.

#### NEW SECTION

**WAC 478-120-140 Emergency authority of the president of the university.** If a student's conduct represents a threat to the health, safety, or welfare of the university or any member of the university community, the president or the president's delegate may suspend that student from participation in any or all university functions or privileges.

(1) In such an emergency situation, the president or a delegate shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for imposing the suspension. The order shall be effective immediately.

(2) The president or delegate shall then refer the matter to the vice-president for student affairs or his or her delegate, who shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

#### NEW SECTION

**WAC 478-120-145 Recording and maintenance of records.** (1) The vice-president for student affairs shall keep records of all disciplinary actions reported to his or her office. Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action.

(2) The dean of a college or school initiating disciplinary action shall report in writing to the office of the vice-president for student affairs all cases in which disciplinary action is taken. The dean shall also inform the registrar of any action affecting a student's official standing in the university. The office of the vice-president for student affairs shall notify the dean of the college or school in which the student is enrolled of any disciplinary action it takes and also shall notify the registrar of any action affecting a student's official standing in the university.

(3) Disciplinary records of students not exonerated shall be maintained by the vice-president for student affairs and the registrar for seven years after disciplinary action has

been taken and/or after the administrative purpose has been served.

(4) Disciplinary records of exonerated students shall not be maintained.

(5) Notwithstanding any other provision of this section, the vice-president for student affairs, at his or her discretion, upon written request by the student, may expunge the student's disciplinary record.

(6) Records and information regarding student disciplinary proceedings are subject to the provisions of the Family Educational Rights and Privacy Act and supporting regulations (20 U.S.C. 1232g), and to chapter 478-140 WAC.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 478-120-060	Disciplinary authority of deans and office of student affairs.
WAC 478-120-070	Appeals.
WAC 478-120-080	University disciplinary committee.
WAC 478-120-090	Procedural guidelines and safeguards.
WAC 478-120-110	Student-faculty joint council on student conduct and activities.
WAC 478-120-120	Recording and maintenance of records.
WAC 478-120-130	Emergency authority of the president of the university.

#### NEW SECTION

**WAC 478-124-037 Conduct on campus code—Hazing.** All university organizations, associations and student living groups are prohibited from hazing.

(1) Hazing includes:

(a) Any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending the university; and

(b) Conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (a) of this subsection, but including such conduct as humiliation by ritual act and sleep deprivation. Consent is no defense to hazing. Hazing does not include customary athletic events or other similar contests or competition.

(2) Any university organization, association or student living group that knowingly permits hazing as defined in subsection (1)(a) of this section shall be deprived of official recognition or approval granted by the university. Any university organization, association or student living group that knowingly permits hazing as defined in subsection (1)(b) of this section shall be placed on probation for a period specified by the university.

**WSR 96-10-052**  
**PERMANENT RULES**  
**OFFICE OF THE**  
**SECRETARY OF STATE**

[Filed April 29, 1996, 4:45 p.m.]

Date of Adoption: April 29, 1996.

Purpose: To provide current registration information on international student exchange agencies and update the rules to be consistent with chapter 60, Laws of 1995.

Citation of Existing Rules Affected by this Order: Amending WAC 434-166-260, 434-166-280, and 434-166-290.

Statutory Authority for Adoption: RCW 19.166.030, 19.166.040, and 19.166.060.

Adopted under notice filed as WSR 96-07-069 on March 19, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 3, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 3, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 29, 1996

Donald F. Whiting

Assistant Secretary of State

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

**WAC 434-166-260 Requirement to register.** Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

Organizations governed by chapter 19.166 RCW and also registered as a nonprofit corporation under Title 24 RCW shall renew both registrations concurrently in the enrollment period specified in this section.

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year.

AMENDATORY SECTION (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

**WAC 434-166-280 Application for registration.** (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with

the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the USIA's Designation Letter showing current registration; or

(b) Submitting a copy of the CSJET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations (~~are effective for a period of one year from the date of filing~~) filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

**AMENDATORY SECTION** (Amending WSR 92-10-023, filed 4/29/92, effective 5/30/92)

**WAC 434-166-290 Application for reregistration.**

(1) Prior to the expiration of the registration period, organizations may seek reregistration (~~for another one year period~~) within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.050 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration (~~date of the registration~~).

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.050; no extensions will be granted by the secretary.

**WSR 96-10-060**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Order 5095—Filed April 30, 1996, 2:50 p.m.]

Date of Adoption: April 30, 1996.

Purpose: To raise hourly and overtime inspection activity fees within the fiscal growth factor. Current hourly and overtime fees are below actual costs at providing service.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-040, 16-400-100, and 16-400-210.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Adopted under notice filed as WSR 96-05-071 on February 21, 1996.

Changes Other than Editing from Proposed to Adopted Version: The department will not be adopting the fee increase as proposed for sanitary and quarantine certificate charges. The fee will remain \$6.00 as found in WAC 16-400-100 (a) and (b).

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The fee increases are within the fiscal growth factor for fiscal years 1996 and 1997.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 3, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 3, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

April 30, 1996

James M. Jesernig  
Director

**AMENDATORY SECTION** (Amending Order 2001, filed 3/31/89)

**WAC 16-400-040 Grade and condition certificates—Vegetables.** Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be nine dollars.

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

(a) For federal-state certification:

Asparagus	21¢
Cantaloupes, and corn	12.5¢
Onions	8¢
Potatoes, and seed potatoes	6¢
Processing potatoes	6¢

Complete inspection (rate shall be reduced for level of service required)

Tomatoes 19¢

(b) For state certification:

Asparagus 19¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(4) Inspection for quality, condition, and/or size determination, whether in bulk or in containers, for all vegetables for processing, except potatoes, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate, but not less than the minimum certificate charge of nine dollars.

PERMANENT

**AMENDATORY SECTION** (Amending Order 2031, filed 4/11/90, effective 5/12/90)

**WAC 16-400-100 Certificates.** Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of twenty-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state or state certificates.

(b) Six dollars per set when the shipment is covered by federal-state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal-state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal-state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

**AMENDATORY SECTION** (Amending Order 5054, filed 7/28/94, effective 8/28/94)

**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-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

(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-one dollars beginning June 1, 1996, and twenty-one dollars and fifty cents beginning July 1, 1996.

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)) eight dollars beginning June 1, 1996, and twenty-nine dollars beginning July 1, 1996.

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; \$.0075 per cwt. or fraction thereof, on all fresh apples produced in the state of Washington or marketed under Washington state grades and standards.

**WSR 96-10-076**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**

(Institutions)

[Order 3978—Filed May 1, 1996, 11:05 a.m.]

Date of Adoption: May 1, 1996.

Purpose: To establish in rule minimum certification requirements for nurse delegation to occur in certified community residential programs for the developmentally disabled. New WAC 275-26-074, 275-26-076, and 275-26-077.

Citation of Existing Rules Affected by this Order: Amending WAC 275-26-010 Definitions.

Statutory Authority for Adoption: Chapters 18.88A, 71A.12 RCW.

Adopted under notice filed as WSR 96-07-090 on March 20, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 3, amended 1, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 3, amended 1, repealed 0.

Effective Date of Rule: Thirty-one days after filing.

May 1, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3230, filed 8/9/91, effective 9/9/91)

**WAC 275-26-010 Definitions.** (1) "Agency" means the department-certified entity providing residential instruction and support services to clients.

(2) "Certification" means the determination of satisfactory compliance with the rules and regulations outlined as referenced under this chapter.

(3) "Client" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

(4) "Client/provider account" means an account in the name of one client where the client or client's provider has the authority to make deposits or withdrawals. The banking laws under RCW 30.22.040 refer to this as an "agency account."

(5) "Client services" means instruction and support activities promoting the following client-centered benefits:

(a) Health and safety:

(i) Needing and using health services;

(ii) Dealing with illness and injury and first aid procedures;

(iii) Learning about basic nutrition;

(iv) Maintaining good health;

(v) Obtaining mental health services when needed;

(vi) Learning about human sexuality;

(vii) Being aware of fire evacuation plans;

(viii) Knowing emergency procedures, including how to use 911 or a local emergency number;

(ix) Being aware of burglary protection strategies; and

(x) Learning self-protection.

(b) Personal power and choice:

(i) Securing housing and furnishings reflecting personal preferences, life style, and financial means;

(ii) Expressing opinions and making decisions;

(iii) Learning and exercising rights and responsibilities;

(iv) Improving communication skills;

(v) Participating in various activities, including new experiences;

(vi) Exercising a voter's rights;

- (vii) Learning about available protection and advocacy services; and
- (viii) Making career choices.
- (c) Positive recognition by self and others:
  - (i) Creating positive self-esteem and feelings of self-worth;
  - (ii) Choosing valued social roles; and
  - (iii) Having choices influencing valued perception of self and others.
- (d) Integration in the physical and social life of the community:
  - (i) Residing in areas convenient to shopping, banking, eating, worshiping, learning, making friends, and otherwise participating in community life;
  - (ii) Assisting people to use available transportation;
  - (iii) Meeting new people and participating with other members of the community in shared activities; and
  - (iv) Accessing educational and vocational opportunities.
- (e) Positive relationships:
  - (i) Establishing, maintaining, expanding, and improving relationships by providing personal interaction opportunities with people;
  - (ii) Involving the client's family, guardian, or representative in planning and decision making which affect the client;
  - (iii) Resolving disagreements among clients or among clients and family, friends, neighbors, and co-workers;
  - (iv) Coping with the loss of a significant relationship, such as the death of a friend or family member, end of a relationship, loss of a job, or change of staff.
- (f) Competence and self-reliance:
  - (i) Learning and using skills useful to the client, such as meal planning, grocery shopping, meal preparation, cleaning laundry, using household appliances, money management and budgeting, and use of leisure time in settings where the skills are needed;
  - (ii) Identifying situations in which the client needs or desires assistance from others;
  - (iii) Accomplishing tasks requiring the assistance of staff or others; and
  - (iv) Acquiring and using adaptive devices and equipment.
- (6) "Department" means the department of social and health services of the state of Washington.
- (7) "Depositor," when utilized in determining the rights of persons to funds in an account, means a person who owns the funds.
- (8) "Division" means the division of developmental disabilities of the department of social and health services.
- (9) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.
- (10) "Facility based" means a residence which is owned, leased, or rented by an entity other than the client.
- (11) "Frequency" means how often a designated event has occurred.
- (12) "Group home" means a residence licensed by the applicable state authority and operated by an agency certified by the division of developmental disabilities.
- ~~((12))~~ (13) "Group training home" means a residence meeting the definition of RCW 71A.22.020(2) and which is operated by an agency certified by the division of developmental disabilities as defined under RCW 71A.22.040.

~~((13))~~ (14) "Imprest fund" means a petty cash fund which has a pre-established limit. The total of the cash in the fund and receipts from withdrawals from the fund equal the pre-established limit.

~~((14))~~ (15) "Individual account" means one account in the name of one client primarily managed by a provider.

~~((15))~~ (16) "Individual client cash" means one client's cash controlled by the provider.

~~((16))~~ (17) "Instruction" means goal-oriented teaching addressing skill acquisition and skill enhancement.

~~((17))~~ (18) "Nonfacility based" means the client owns, leases, sub-leases, or rents a residence although others, except the department, may guarantee the client's credit.

~~((18))~~ (19) "Nursing assistant" means a nursing assistant- registered under chapter 18.88A RCW, or a nursing assistant-certified under chapter 18.88A RCW.

(20) "Provider" means the agency or individual with which the department contracts for providing client instruction and support services.

~~((19))~~ (21) "Reprisal" means any negative action taken as retaliation against an employee. A rebuttable presumption is raised that reprisal has occurred if a negative action occurs within a year of a refusal to delegate or accept delegation. Occurring as a result of a lawful employee action, "reprisal" includes, but is not limited to:

(a) Harassment;

(b) Firing;

(c) Demotion; or

(d) Disciplinary action.

(22) "Residence" means the place or home where a client resides.

~~((20))~~ (23) "Residential service" means work or duties performed by the provider to meet clients' daily living needs and enhance clients' lives.

~~((21))~~ (24) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((22))~~ (25) "Severity" means the seriousness of the occurrence as determined by the:

(a) Actual or potential negative outcomes for residents;

or

(b) Extent to which the resident's physical, mental, or psychosocial well-being is compromised or threatened.

(26) "Support" means:

(a) Assistance to a client in performance of necessary functions or tasks; or

(b) The performance of a task on behalf of a client, that is, someone else does the client's task.

~~((23))~~ (27) "Trust account" means an account containing two or more clients' funds where the provider has the authority to make deposits or withdrawals.

#### NEW SECTION

**WAC 275-26-074 Nurse delegation.** (1) Before being authorized to perform a delegated nursing care task, staff shall:

(a) Be a nursing assistant-registered or nursing assistant-certified;

(b) Complete nurse delegation core training as approved by the department. The training includes but is not limited to:

(i) Nurse delegation laws and protocols;

- (ii) Basic medical knowledge; and
- (iii) Medication administration.

(c) The certified community residential services agency shall document this training activity and a certificate shall be issued to the nursing assistant upon completion of the required training.

(2) Nursing assistants delegated a nursing care task in compliance with the nursing care quality assurance commission requirements shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in chapter 246-840 WAC;

(b) Only for the specific client who was the subject of the delegation; and

(c) Only with the consent of the client or a person authorized to provide consent for health care on behalf of the client under this section and RCW 7.70.065. "Persons authorized to provide consent for health care" shall be a member of one of the following classes of persons in the following order of priority:

(i) Legal guardian, if any;

(ii) An individual who holds a durable power of attorney for health care decisions;

(iii) The client's spouse;

(iv) The client's children who are at least eighteen years of age;

(v) The client's parents; and

(vi) The client's adult siblings.

(3) The nursing assistant shall not transfer delegated authority to perform the nursing care tasks to another nursing assistant.

(4) The nursing assistant:

(a) May consent or refuse to consent to perform a delegated nursing care task;

(b) Shall be responsible for the nursing assistant's own actions with regard to the decision to consent or refuse to consent to the performance of the delegated task; and

(c) The nursing assistant shall not be subject to any employer reprisal for refusing to accept delegation of a nursing care task.

(5) The agency shall post and keep posted in a conspicuous place or places where notices to employees are customarily posted, the toll free telephone number established by aging and adult services administration for receiving complaints regarding delegation of specific nursing tasks to nursing assistants.

#### NEW SECTION

**WAC 275-26-076 Nurse delegation—Penalties.** (1) The department shall impose a civil fine of not less than two hundred fifty dollars and not more than one thousand dollars on any provider that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse under:

(a) Chapter 18.88A RCW; and

(b) Chapter 246-840 WAC (nursing care quality commission regulations).

(2) When assessing civil fines, the investigator shall consider:

(a) Severity of occurrence;

(b) Frequency of occurrence; and

(c) Other relevant factors relating to the occurrence.

(3) The department shall make technical assistance available to providers for purposes of education and assistance in order to help providers comply with nurse delegation rules and protocols.

(a) The department's technical assistance program shall include:

(i) Requested or voluntarily accepted technical assistance visits during which or soon after which the department informs the provider of violation of law or agency rules;

(ii) How to access the technical assistance;

(iii) Printed information;

(iv) Information and assistance by phone;

(v) Training meetings;

(vi) Other appropriate methods to provide technical assistance; and

(vii) A list of organizations that provide technical assistance.

(b) The provider shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided by law is imposed for those violations except as provided in subsection (3)(c) of this section;

(c) A civil penalty may be issued during a technical assistance visit if:

(i) The provider has previously been:

(A) Subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(B) Given previous notice of the same or similar type of violation of the same statute or rule; or

(ii) The violation has a probability of placing a person in danger of death or bodily harm.

(d) Nothing in these rules obligates the department to conduct a technical assistance visit.

(4) Before imposition of a civil fine and for clarification purposes, the department may take substantially the following steps:

(a) Notify the agency of the concern;

(b) Give the agency an opportunity to explain circumstances or present additional information which may clarify concern;

(c) Request the agency to provide additional information if necessary;

(d) Nothing in this rule shall be construed to require the department to impose a fine if a determination is made that no unlawful delegation occurred.

#### NEW SECTION

**WAC 275-26-077 Notice of fine and appeal rights.**

(1) The department shall give the provider written notice of the civil fine. The department shall ensure the notice:

(a) States the amount and reasons for the fine and the applicable law under which the fine is imposed; and

(b) Informs the provider of the right to request an adjudicative hearing.

(2) A civil fine becomes due twenty-eight days after the service of the written notice of the fine unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the department shall stay the fine pending a final decision on the matter.

(3) A provider contesting the department's decision to impose a civil fine shall, within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(5) When a provider disagrees with the department's finding of a violation under this chapter, the provider shall have the right to have the violation reviewed under the department's dispute resolution process.

(6) Upon request by the provider, the department shall expedite the dispute resolution process to review the imposition of a civil fine.

(7) No agency may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the complaint investigation.

**WSR 96-10-086**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed May 1, 1996, 11:52 a.m., effective July 1, 1996]

Date of Adoption: May 1, 1996.

Purpose: Update conversion factors used to calculate maximum payment levels for services reimbursed under the RBRVS and anesthesia fee schedules to adjust for changes in payment policies and to give cost-of-living increases to providers. Update the maximum daily rate for physical and occupational therapies to give a cost-of-living increase to providers. Housekeeping changes to clarify the WACs and correct errors.

Citation of Existing Rules Affected by this Order: Amending WAC 296-20-010, 296-20-132, 296-20-135, 296-23-180, 296-23-185, 296-23-220, 296-23-230, and 296-23A-400.

Statutory Authority for Adoption: RCW 51.04.020(4) and 51.04.030.

Adopted under notice filed as WSR 96-05-066 on February 20, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 8, repealed 0.

Effective Date of Rule: July 1, 1996.

May 1, 1996  
Michael Watson  
for Mark O. Brown  
Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

**WAC 296-23-180 Vehicle and home modification.** Requires prior approval from the assistant director for industrial insurance.

~~((8914H Home modification  
8915H Vehicle modification))~~

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

**WAC 296-23-185 Drug and alcohol rehabilitation services.** Authorization requirements for these services may be found in WAC 296-20-03001 and 296-20-055.

~~((0141M Intake evaluation  
0142M Physical examination  
0143M Individual therapy, routine visit  
0144M Individual therapy, brief visit  
0145M Group therapy  
0146M Chemotherapy  
0147M Medication adjustment  
0149M Detoxification facility (room & board)))~~

AMENDATORY SECTION (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

**WAC 296-23-220 Physical therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC ~~((296-21-095))~~ 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$72.04~~) \$73.70) whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

**WAC 296-23-230 Occupational therapy rules.** Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed

occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or ((~~\$72.04~~) \$73.70) whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 94-14-044, filed 6/29/94, effective 7/30/94)

**WAC 296-20-010 General information.** (1) The following rules are promulgated pursuant to RCW 51.04.020 and 51.04.030. The department or self-insurer may purchase necessary physician and other provider services according to the fee schedules. The fee schedules shall be established in consultation with interested persons and updated at times determined by the department in consultation with those

interested persons. Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries  
Health Services Analysis  
Interested Person's Mailing List for the Fee Schedules  
P.O. Box 44322  
Olympia, WA 98504-4322

The department or self-insurer will require the current version of the federal Health Care Financing Administration's Common Procedure Coding System (HCPCS) Level I (or CPT) and II codes on January 1, of each new year. CPT refers to the American Medical Association's Physicians' Current Procedural Terminology codes.

The department and self-insurer will allow a "grace period" in which codes deleted each year may be submitted for payment. This grace period will start on January 1 of each year and the length of time will be determined by department policy.

The adoption of these codes on an annual basis is designed to reduce the administrative burden on providers and lead to more accurate reporting of services. However, the inclusion of a service, product or supply within these new codes does not necessarily imply coverage, reimbursement or endorsement, by the department or self-insurer. The department will make coverage and reimbursement decisions for these new codes on an individual basis.

If there are any services, procedures or narrative text contained in the new HCPCS Level I and II codes that conflict with the medical aid rules or fee schedules, the department's rules and policies take precedence.

Copies of the HCPCS Level I and II codes are available for public inspection. These documents are available in each of the department's service locations.

Copies of the HCPCS Level II codes may be purchased from:

The Superintendent of Documents  
United States Government Printing Office  
Washington, DC 20402  
(202) 783-3238

Copies of the Level I (or CPT) codes may be purchased from:

The American Medical Association  
Chicago, Illinois 60601  
(800) 621-8335

In addition to the sources listed above, both the Level I and II codes may be purchased from a variety of private sources.

(2) The fee schedules are intended to cover all services for accepted industrial insurance claims. All fees listed are the maximum fees allowable. Practitioners shall bill their usual and customary fee for services. **If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the**

**practitioner shall bill the department or self-insurer at the lower rate.** The department or self-insurer will pay the lesser of the billed charge or the fee schedules' maximum allowable.

(3) The rules contained in the introductory section pertain to *all* practitioners regardless of specialty area or limitation of practice. Additional rules pertaining to specialty areas will be found in the appropriate section of the medical aid rules.

(4) The methodology for (~~determining the maximum allowable fee for a procedure~~) making conversion factor cost of living adjustments is listed in WAC 296-20-132 (~~and~~). The conversion factors are listed in WAC 296-20-135.

(5) No fee is payable for missed appointments unless the appointment is for an examination arranged by the department or self-insurer.

(6) When a claim has been accepted by the department or self-insurer, no provider or his/her representative may bill the worker for the difference between the allowable fee and the usual and customary charge. Nor can the worker be charged a fee, either for interest or completion of forms, related to services rendered for the industrial injury or condition. Refer to chapter 51.04 RCW.

(7) Practitioners must maintain documentation in claimant medical or health care service records adequate to verify the level, type, and extent of services provided to claimants. A health care practitioner's bill for services, appointment book, accounting records, or other similar methodology do not qualify as appropriate documentation for services rendered. Refer to chapter 296-20 WAC and department policy for reporting requirements.

(8) Except as provided in WAC 296-20-055 (Limitation of treatment and temporary treatment of unrelated conditions when retarding recovery), practitioners shall bill, and the department or self-insurer shall pay, only for proper and necessary medical care required for the diagnosis and curative or rehabilitative treatment of the accepted condition.

(9) When a worker is being treated concurrently for an unrelated condition the fee allowable for the service(s) rendered must be shared proportionally between the payors.

(10) Correspondence: Correspondence pertaining to state fund and department of energy claims should be sent to: Department of Labor and Industries, Claims Administration, P.O. Box 44291, Olympia, Washington 98504-4291.

Accident reports should be sent to: Department of Labor and Industries, P.O. Box 44299, Olympia, Washington 98504-4299.

Send provider bills by type (UB-92) to: Department of Labor and Industries, P.O. Box 44266, Olympia, Washington 98504-4266.

Adjustments, Home Nursing and Miscellaneous to: Department of Labor and Industries, P.O. Box 44267, Olympia, Washington (~~99504-44267~~) 98504-4267.

Pharmacy to: Department of Labor and Industries, P.O. Box 44268, Olympia, Washington (~~99504-4268~~) 98504-4268.

HFCA to: Department of Labor and Industries, P.O. Box 44269, Olympia, Washington 98504-4269.

State fund claims have six digit numbers preceded by a letter other than "S," "T," or "V."

Department of energy claims have seven digit numbers with no letter prefix.

All correspondence and billings pertaining to *crime victims* claims should be sent to Crime Victims Division, Department of Labor and Industries, P.O. Box 44520, Olympia, Washington 98504-4520.

Crime victim claims have six digit numbers preceded by a "V."

All correspondence and billings pertaining to self-insured claims should be sent directly to the employer or the service representative as the case may be.

Self-insured claims are six digit numbers preceded by a "S," or "T."

Communications to the department or self-insurer must show the patient's full name and claim number. If the claim number is unavailable, providers should contact the department or self-insurer for the number, indicating the patient's name, Social Security number, the date and the nature of the injury, and the employer's name. A communication should refer to one claim only. Correspondence must be legible and reproducible, as department records are microfilmed. Correspondence regarding specific claim matters should be sent directly to the department in Olympia or self-insurer in order to avoid rehandling by the service location.

(11) The department's various local service locations should be utilized by providers to obtain information, supplies, or assistance in dealing with matters pertaining to industrial injuries.

**AMENDATORY SECTION** (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

**WAC 296-20-132 Determination of conversion factor adjustments.** Adjustments to the conversion factors for providers and services covered by the fee schedules and by department policy may occur annually following prior public hearings.

Such adjustments will be based on the estimated increase/decrease in the state's average wage for the current year and on other factors as determined by department policy. The following calendar year's estimate, of the average state wage will be adjusted to reflect the actual increase/decrease in the state's average wage for the preceding year.

The total percentage change for any one calendar year for the conversion factors may not exceed the total of the estimated increase/decrease in the current year, plus or minus the actual adjustment for the preceding calendar year.

~~((Starting with services rendered on or after September 1, 1993, the department will adopt a new Washington State Resource Based Relative Value Scale. Due to the changes in reimbursement that will occur through implementation of this scale and supporting reimbursement policies, the department will transition its reimbursement levels over a few years. As a result, during this transition period, the fee schedules may list dollar values, instead of relative value units.~~

~~Payment for anesthesia services will continue to use base and time units. The fee schedules will not list dollar values for these services.))~~

**AMENDATORY SECTION** (Amending WSR 95-17-001, filed 8/2/95, effective 10/1/95)

**WAC 296-20-135 Conversion factors.** (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services rendered on or after May 1, 1995, have a conversion factor of ~~((\$42.63))~~ \$45.02. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of ~~((\$1.84))~~ \$1.87 per minute. The base units and payment policies can be found in the fee schedules.

(4) Services that do **not** use a conversion factor to establish reimbursement levels have dollar values, not relative values listed in the fee schedules.

**AMENDATORY SECTION** (Amending WSR 95-05-072, filed 2/15/95, effective 3/18/95)

**WAC 296-23A-400 Hospital outpatient physical therapy rules.** Hospitals should refer to chapter 296-20 WAC for general information and rules, and to department billing instructions pertaining to the care of workers and the billing of services.

The procedure codes and maximum allowable fees for physical therapy services are listed in the fee schedules. Also refer to WAC 296-20-132 and 296-20-135 regarding use of the conversion factor.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist.

The department or self-insurer will review the quality and medical necessity of physical therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or a flat dollar rate of ~~((\$72.04))~~ \$73.70, whichever is less. These limits will not apply to physical therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC and department policy for rules pertaining to the authorized conditions and the reporting requirements. The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

PERMANENT



**WSR 96-10-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-31—Filed April 17, 1996, 4:34 p.m.]

Date of Adoption: April 17, 1996.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-49-02000I; and amending WAC 220-49-020.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Stock assessment and forecast data indicate that the Cherry Point herring stock size is sufficient to allow for a limited harvest.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

April 17, 1996

Judith Freeman, Deputy  
for Robert Turner, Director

**WSR 96-10-015**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 (Fisheries)

[Order 96-30—Filed April 19, 1996, 4:22 p.m.]

Date of Adoption: April 19, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-32-055.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of salmon are available for a subsistence fishery. This conforms state rules with Yakama Indian Nation regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

April 19, 1996

Judith Freeman  
Deputy  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-49-02000I Baitfish — Seasons** Notwithstanding the provisions of WAC 220-49-020, effective immediately until further notice it is unlawful to take, fish for or possess herring for commercial purposes in Marine Fish and Shellfish Catch Management and Reporting Area 20A except for authorized participants in the herring spawn-on-kelp fishery who possess a spawn-on-kelp license (pond or line). Fishers are required to comply with all provisions and special conditions of the license.

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed effective 11:59 p.m. June 12, 1996:

WAC 220-49-02000I Baitfish — Seasons  
(96-31, 4/17/96)

**NEW SECTION**

**WAC 220-32-05500V Columbia River tributaries—Subsistence.** Notwithstanding the provisions of WAC 220-32-055, effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River, Klickitat River, Wind River, Icicle River and Ringold in the Columbia River except under the following provisions:

(1) The Yakima River from Horn Rapids Dam to Wapato Dam is open noon Tuesday to 6:00 p.m. Saturday of each week from April 9 to June 22, 1996.

(2) The Klickitat River from the site of the former Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Wednesday to 6:00 p.m. Saturday of each week from April 3 to May 25, 1996.

(3) The Wind River from the mouth to a marker 400 feet downstream of Shipperd Falls is open from 6:00 a.m.

Monday to 6:00 p.m. Saturday of each week from April 1 to June 8, 1996 and from 200 feet above the Shipperd Falls upstream to a marker 30 feet below the outlet stream for Carson National Fish Hatchery is open noon Wednesday to 6:00 p.m. Saturday of each week from June 5 to June 29, 1996.

(4) The Icicle River where it borders the property of the U.S. Fish and Wildlife National Fish Hatchery at Leavenworth is open from 6:00 p.m. Thursday to 6:00 p.m. Saturday of each week from May 2 to June 22, 1996.

(5) At Ringold in the Columbia River from the marker located approximately 1/2 mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a boundary marker approximately 1/4 mile downstream of Ringold waterway outlet is open from 6:00 a.m. Monday to 6:00 p.m. Saturday of each week from May 20 to July 27, 1996.

(6) Allowable Gear: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

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.

**WSR 96-10-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF REVENUE**

[Filed April 24, 1996, 9:22 a.m.]

Date of Adoption: April 24, 1996.

Purpose: To implement the special stadium sales and use tax on food and beverage sales by restaurants, taverns, and bars authorized by chapter 1, Laws of 1995 3rd sp. sess. and imposed by the King County Council effective January 1, 1996. This rule provides information to those required to collect and remit the tax.

Citation of Existing Rules Affected by this Order: New section WAC 458-20-12401 Special stadium sales and use tax.

Statutory Authority for Adoption: RCW 82.32.300.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Taxpayers are required to collect and remit the tax as of January 1, 1996, and there has not been time to complete the rule-making process. Failing to provide taxpayers with guidance on who is required to collect and remit the tax would cause a financial burden to taxpayers who do not understand their obligation under the new law. A CR-102 Proposed Rule Making Notice Continuance was filed on April 17, 1996, and the hearing will be held on May 30, 1996, with final adoption scheduled for June 20, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 1, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

April 24, 1996

Russell W. Brubaker

Assistant Director

**NEW SECTION**

**WAC 458-20-12401 Special stadium sales and use tax.** (1) **Introduction.** RCW 82.14.360 was amended in the third special session in 1995. (See chapter 1, 1995 3rd sp.s.) Effective January 1, 1996, a special stadium sales and use tax applies to sales of food and beverages by restaurants, taverns, and bars in counties with a population of one million or more. Currently, the special stadium tax applies only in King County. The tax applies only to those food and beverage sales that are already subject to the retail sales tax.

Grocery stores, mini-markets, and convenience stores were specifically excluded from the definition of a restaurant and are not required to collect the tax. However, a restaurant located within a grocery store, mini-market, or convenience store is subject to this tax if the restaurant is owned or operated by a different legal entity from the store or market. This section explains when the tax will apply.

(2) **Definitions.** The following definitions apply to this section.

(a) "Restaurant" means any establishment having special space and accommodation where food and beverages are regularly sold to the public for immediate, but not necessarily on-site, consumption, but excluding grocery stores, mini-markets, and convenience stores. Restaurant includes, but is not limited to, lunch counters, diners, coffee shops, espresso shops or bars, concessions, delicatessens, and cafeterias. It also includes space and accommodations where food and beverages are sold to the public for immediate consumption that are located within hotels, motels, lodges, boarding houses, bed-and-breakfast facilities, hospitals, office buildings, and schools, colleges, or universities, if a separate charge is made for such food or beverages. Mobile sales units that sell food or beverages for immediate consumption within a place, the entrance to which is subject to an admission charge, are "restaurants" for purposes of this tax. So too are public and private carriers, such as trains and vessels, that sell food or beverages for immediate consumption on trips that both originate and terminate within the county imposing the special stadium tax if a separate charge for the food and/or beverages is made. A restaurant is open to the public for purposes of this section if members of the public can be served as guests. "Restaurant" does not include businesses making sales through vending machines

or through mobile sales units such as catering trucks or sidewalk vendors of food or beverage items.

(b) "Tavern" has the same meaning here as in RCW 66.04.010 and means any establishment with special space and accommodation for the sale of beer by the glass and for consumption on the premises.

(c) "Bar" means any establishment selling liquor by the glass or other open container and includes, but is not limited to, establishments that have been issued a class H license by the liquor control board.

(d) "Grocery stores, mini-markets, and convenience stores," have their ordinary and common meaning.

(3) **Tax application.** This special stadium sales and use tax currently applies only to food and beverages sold by restaurants, bars, and taverns in King County. The tax is in addition to any other sales or use tax that applies to these sales. This special tax only applies if the regular sales or use tax imposed by chapters 82.08 or 82.12 RCW applies.

(a) The tax applies to the total charge made by the restaurant, tavern, or bar, for food and beverages. If a mandatory gratuity is included in the charge that, too, is subject to the tax.

(b) Catering provided by a restaurant, tavern or bar is also subject to the tax. However, when catering is done by a business that does not meet the definition of restaurant in subsection (2) of this section, has no facilities for preparing food, and all food is prepared at the customer's location, the charge is not subject to the tax.

(c) In the case of catering subject to the tax, if a separate charge is made for linens, glassware, tables, tents, or other items of tangible personal property that are not required for the catering, those separate charges are not subject to the tax. However, separately stated charges for items that are required as a part of the catering service, such as waitpersons or mandatory gratuities, are subject to the tax.

(4) **Examples.** The following 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. For these examples, assume the transactions occur in King County.

(a) XYZ Bakery operates a coffee shop where customers may purchase baked goods and coffee for consumption on the premises or may purchase bakery products for consumption elsewhere. The sales of bakery goods and beverages for consumption on the premises are subject to the special stadium tax. The special stadium tax does not apply to the bakery goods sold "to go" because under the provisions of RCW 82.08.0293 and WAC 458-20-244(6) these bakery goods are not subject to the state retail sales tax. Since the state retail sales tax does not apply to these sales, neither does the special stadium sales tax.

(b) XYZ operates a "fast food" business. Customers may consume the food and beverages on the premises or may take the food "to go" for consumption elsewhere. All sales of food and beverages by this business are subject to the special stadium tax, including the food and beverages sold "to go."

(c) XYZ operates carts that may be set up on a sidewalk or within parks from which customers may purchase hot dogs and beverages. The cart includes heating facilities for preparation of hot dogs at the cart site. No seating is provided by the business. The site location is not owned or

leased by the business. These sales are not subject to the special stadium sales tax because the business does not have a designated space for the preparation of the food it sells. This business does not fit the definition of "restaurant." However, if XYZ operates a mobile food service unit selling food or beverages for immediate consumption at fixed locations within the grounds of a stadium, arena, fairgrounds, or other place, admission to which is subject to an admission charge, then the special stadium tax applies.

(d) XYZ operates a combination gas station and convenience store. The convenience store sells some groceries and also some prepared foods such as hot dogs and hamburgers. Customers may also purchase soft drinks or coffee by the cup. None of these sales are subject to the special stadium sales tax because of the specific language in the statute exempting convenience stores from the tax.

(e) XYZ operates a business that sells prepared pizza. The business prepares and bakes the pizza at its premises. The business has no seating. Customers may order the pizzas by either entering the seller's place of business or by telephone. Customers may either take delivery at the seller's site or the business will deliver the pizza to the customer's residence or other site. These sales are subject to the special stadium sales tax because the business does have a designated site and facilities for the preparation of food for sale for immediate consumption, irrespective that no seating is available. The regular retail sales tax applies to these sales since these sales are not exempt food products under RCW 82.08.0293 (2)(c).

(f) XYZ has the exclusive concession rights to prepare and sell hot dogs within a sports facility. Customers place their orders and take delivery of the prepared food and beverages at the seller's site in the sports facility. XYZ provides no seating that it controls. Customers generally take the food and beverage to their seats and consume the items while watching the sports event. XYZ will also prepare hot dogs and soft drinks at its food bar and use its employees or agents to sell these products to customers in the stands while the sports event is in progress. All of the sales of food and beverages by XYZ are subject to the special tax. XYZ's business operation meets the definition of "restaurant." XYZ has set aside space that it controls for the purpose of preparing food and beverages for immediate consumption for sale to the public.

(g) DEF operates a cafe within ABC's grocery store, for the sale of food or beverages for immediate consumption. ABC is a separate entity from DEF, and it leases the space for the cafe to DEF. Sales of food and beverages by ABC are exempt from the special stadium tax, but sales from the cafe by DEF are subject to that tax.

**WSR 96-10-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3968—Filed April 24, 1996, 4:16 p.m., effective April 28, 1996]

Date of Adoption: April 24, 1996.

Purpose: Adjust state costs for the supplemental security income (SSI) state supplement in 1996 to meet 1995

total expenditures by increasing the payment in each category by 5.8 percent.

Citation of Existing Rules Affected by this Order: Amending WAC 388-250-1700 Standards of assistance—Supplemental security income.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Legislative decision in the 1995 budget bill.

Under 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: In the 1995 budget bill, the legislature approved conversion to the "total expenditure method" to compute the amount of the SSI state supplement payment. Under this method, the Department of Social and Health Services must at least meet the level of expenditures for the previous year to avoid jeopardizing federal Medicaid funds.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 1, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: April 28, 1996.

April 24, 1996

Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3903, filed 9/27/95, effective 10/28/95)

**WAC 388-250-1700 Standards of assistance—Supplemental security income.** Effective ~~((November))~~ January 1, ((1995)) 1996, the standards of SSI assistance paid to an eligible individual and couple are:

(1) Living alone (own household or alternate care, except nursing homes or medical institutions).

	Standard	Federal SSI Benefit	State Supplement
Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties			
Individual	<del>((481.80))</del>	<del>458.00</del>	<del>23.80</del>
	<u>495.42</u>	<u>470.00</u>	<u>25.42</u>
Individual with one essential person	<del>((705.70))</del>	<del>687.00</del>	<del>18.70</del>
	<u>724.98</u>	<u>705.00</u>	<u>19.98</u>

Couple:			
Both eligible	<del>((705.70))</del>	<del>687.00</del>	<del>18.70</del>
	<u>724.98</u>	<u>705.00</u>	<u>19.98</u>
Includes one essential person	<del>((705.70))</del>	<del>687.00</del>	<del>18.70</del>
	<u>724.98</u>	<u>705.00</u>	<u>19.98</u>
Includes ineligible spouse	<del>((600.97))</del>	<del>458.00</del>	<del>142.97</del>
	<u>622.73</u>	<u>470.00</u>	<u>152.73</u>

Area II: All Counties Other Than the Above

Individual			
	<del>((464.42))</del>	<del>458.00</del>	<del>6.42</del>
	<u>476.86</u>	<u>470.00</u>	<u>6.86</u>
Individual with one essential person	<del>((687.00))</del>	<del>687.00</del>	0
	<u>705.00</u>	<u>705.00</u>	
Couple:			
Both eligible	<del>((687.00))</del>	<del>687.00</del>	0
	<u>705.00</u>	<u>705.00</u>	
Includes one essential person	<del>((687.00))</del>	<del>687.00</del>	0
	<u>705.00</u>	<u>705.00</u>	
Includes ineligible spouse	<del>((575.51))</del>	<del>458.00</del>	<del>117.51</del>
	<u>595.53</u>	<u>470.00</u>	<u>125.53</u>

Areas I and II:

Eligible individual with more than one essential person: ~~((458))~~ \$470.00 for eligible individual plus ~~((229))~~ \$235.00 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~((687))~~ \$705.00 for eligible couple plus ~~((229))~~ \$235.00 for each essential person (no state supplement).

(2) Shared living (Supplied shelter): Area I and II

	Standard	Federal SSI Benefit	State Supplement
Individual			
	<del>((310.28))</del>	<del>305.34</del>	<del>4.94</del>
	<u>318.62</u>	<u>313.34</u>	<u>5.28</u>
Individual with one essential person	<del>((463.35))</del>	<del>458.00</del>	<del>5.35</del>
	<u>475.72</u>	<u>470.00</u>	<u>5.72</u>
Couple:			
Both eligible	<del>((463.35))</del>	<del>458.00</del>	<del>5.35</del>
	<u>475.72</u>	<u>470.00</u>	<u>5.72</u>
Includes one essential person	<del>((463.35))</del>	<del>458.00</del>	<del>5.35</del>
	<u>475.72</u>	<u>470.00</u>	<u>5.72</u>
Includes ineligible spouse	<del>((393.54))</del>	<del>305.34</del>	<del>88.20</del>
	<u>407.55</u>	<u>313.34</u>	<u>94.21</u>

Area I and II:

Eligible individual with more than one essential person: ~~((305.34))~~ \$313.34 for eligible individual plus ~~((152.66))~~ \$156.66 for each essential person (no state supplement).

Eligible couple with one or more essential persons: ~~((458))~~ \$470.00 for eligible couple plus ~~((152.66))~~ \$156.66 for each essential person (no state supplement).

(3) Residing in a medical institution: Area I and II

	Standard	Federal SSI Benefit	State Supplement
No change	\$41.62	\$30.00	\$11.62

(4) Mandatory income level (MIL) for grandfathered claimant. ~~((Reduced))~~ Increased by ~~((five))~~ two dollars and ~~((sixty one))~~ nineteen cents for all MIL clients, except for those converted in a "D" living arrangement (residing in a medical institution at the time of conversion).

EMERGENCY

**WSR 96-10-033**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3967—Filed April 24, 1996, 4:26 p.m., effective May 1, 1996]

Date of Adoption: April 24, 1996.

Purpose: Allow extension of MI program and twelve-month certification of MN.

Citation of Existing Rules Affected by this Order: Amending WAC 388-513-1395 Institutional—Medically needy, 388-518-1805 LCP-MI eligibility, 388-518-1810 LCP-MI EMER, 388-519-1905 Base period, and 388-522-2230 Eligibility reviews.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Budget Note 17 and HCFA clarification concerning 42 CFR 435.916.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Current WAC does not allow full three-month certification of MI after April 30, 1996.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 5, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 5, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

Effective Date of Rule: May 1, 1996.

April 24, 1996  
Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3921, filed 11/22/95, effective 1/1/96)

**WAC 388-513-1395 Institutional—Medically needy.**

(1) The department shall consider a person institutionalized when the person resides in or is expected to reside in a medical facility for thirty consecutive days or more.

(a) The department shall determine:

(i) An SSI/SSP-related person in a medical facility as medically needy when the person's gross income exceeds three hundred percent of the SSI benefit amount;

(ii) An AFDC-related child in a medical facility as medically needy if countable income exceeds the one-person AFDC grant standard; and

(iii) An AFDC-related adult as ineligible.

(b) The department shall determine a client ineligible for the medically needy program when the countable income is more than the private nursing facility rate plus verifiable recurring medical expenses.

(c) The department shall determine countable income of a medically needy client residing in a nursing facility by deducting the following amounts from gross income:

(i) Amounts that would be deducted in determining eligibility for AFDC or SSI/SSP; and

(ii) Previously incurred medical expenses not subject to third-party payment and which are the current liability of the client.

(d) The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are less than the department's contracted rate plus verifiable recurring medical expenses. These clients shall:

(i) Participate in the cost of nursing facility care per WAC 388-513-1380 for post-eligibility allocation of income and post-eligibility allocation of resources; and

(ii) Be certified for three ~~((or))~~, six, or a twelve-month~~((s at the client's option))~~ period as described under WAC 388-519-1905.

(e) The department shall determine a client eligible for nursing facility care when the client's countable income and the amount of resources in excess of the amount in WAC 388-513-1310 are:

(i) Less than the private nursing facility rate plus recurring medical expenses; but

(ii) More than the department's contracted rate.

(f) The client shall:

(i) Participate in the cost of nursing facility care. See WAC 388-513-1380 for post-eligibility allocation of income;

(ii) Spenddown all income remaining after allocating income to the department's contracted rate to be eligible for nonnursing facility medical care. The department shall only certify medical assistance for noninstitutional eligibility after spenddown has been met; and

(iii) Choose a certification period of three or six months for nursing facility care. The department shall determine spenddown of a person's nonnursing facility medical expenses be on a three-month or six-month basis.

(g) For the effect of a social absence from an institutional living arrangement, see WAC 388-88-115.

(h) The department shall not change a client's institutional status when the client is transferred between institutions.

(2) The department shall use other SSI financial criteria for consideration of resources as defined in WAC 388-513-1310 and 388-513-1360.

AMENDATORY SECTION (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-518-1805 LCP-MI eligibility.** (1) The department shall not require as a condition of eligibility:

(a) A person's citizenship;

(b) Social Security number; and

(c) Residency.

(2) A person shall not be eligible for LCP-MI when the person:

- (a) Is eligible for medical care from another state; or
- (b) Enters Washington state specifically for the purpose of obtaining medical care.

(3) A person receiving LCP-MI shall meet the following eligibility criteria:

(a) The person is not:

- (i) Receiving continuing cash assistance; or
- (ii) Eligible for any other medical program.

(b) The person must have an emergency medical condition:

(i) As defined in WAC 388-500-0005; and

(ii) Within a period not exceeding three months prior to the first of the month of application.

(c) For a pregnant woman, the department shall increase the number in the household by the number of unborn before comparing the pregnant woman's income to the:

- (i) Income requirements of WAC 388-518-1850(1); and
- (ii) Resource requirements of WAC 388-518-1850(2).

(4) For a client applying for LCP-MI (~~on or after July 1, 1995~~), the department shall:

(a) Limit the client to ~~((three months))~~ one period of LCP-MI eligibility ((during the period of July 1, 1995 through June 30, 1996)) not to exceed three months per twelve-month EMER period; and

(b) Not consider the months of a certification period beginning prior to July 1, 1995 as counting toward the program limitations described under subsection (4)(a) of this section.

(5) The department shall calculate the twelve calendar month period described under subsection (4)(a) of this section as follows:

(a) Begin the first day of the month of certification for a client determined eligible for MI;

(b) Continue through the last day of the twelve following calendar months; and

(c) Equal the same time period established for the emergency medical expense requirement (EMER).

AMENDATORY SECTION (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-518-1810 LCP-MI emergency medical expense requirement (EMER).** (1) The client shall satisfy the EMER as described in this section.

(2) The department shall require documentation of emergency medical expenses of two thousand dollars per family over a twelve-month period.

(3) Only family members meeting the eligibility requirements in WAC 388-518-1805, 388-518-1820, 388-518-1830 and 388-518-1850 can accumulate expenses against the EMER.

~~(4) ((For a client applying for services received on or before June 30, 1995, the department shall allow the accumulation of emergency medical expenses to begin up to seven working days before the application date. The department may waive the seven day rule if a person fails to apply for medical reasons or other good cause.~~

~~(5))~~ (5) The department shall consider only the following emergency medical services toward the EMER:

(a) Emergency ground or aid ambulance; and

(b) Emergency hospital services and related physician services in a hospital.

~~((6))~~ (5) Other than expenses qualifying as hospital charity care under RCW 70.170.060, the emergency medical expense requirement and spenddown are the liability of the client.

~~((7))~~ (6) If the client does not satisfy the EMER during the three-month base period, the department shall apply the incurred amount to any subsequent applications within twelve months of the initial application.

AMENDATORY SECTION (Amending Order 3913, filed 10/25/95, effective 10/28/95)

**WAC 388-519-1905 Base period.** (1) Medically needy clients in their own homes shall have a choice of a three-month or a six-month base period which shall begin with the month of application. The department shall use a complete base period unless:

(a) A previous certification period overlaps;

(b) The client is not resource eligible for the medically needy program for the full base period;

(c) The client is not categorically related for the full base period;

(d) The client becomes eligible for categorically needy Medicaid; or

(e) The base period would extend beyond

~~((+))~~ December 31, 1995, for an AFDC-related caretaker adult medically needy client ~~((; or~~

~~((ii) June 30, 1996, for a medically indigent client)).~~

(2) ((Effective July 1, 1995,)) The department shall not certify a client with countable income above the MNIL for more than six months.

(3) The department shall certify a client with countable income at or below the MNIL for up to twelve months.

(4) The department shall consider the base period for a LCP-MI client:

(a) To be the three months beginning with the first month of emergency ambulance or emergency inpatient hospital or emergency room services; and

(b) May begin up to three calendar months

~~((+))~~ before the date of application ~~((; or~~

~~((ii) July 1, 1995, whichever is later)).~~

~~((3) Subject to the limitation described under subsection (4)(e) of this section,))~~ (5) The department shall not certify a client for more than

~~((a) Six months for a medically needy client; or~~

~~((b))~~ three months for a medically indigent client. See WAC 388-518-1805 for LCP-MI program limitations.

~~((4))~~ (6) The department shall certify a client who is required to spenddown from the day the client meets the spenddown requirement through the last day of the chosen base period when the client has not incurred hospital expenses equal to the spenddown liability.

~~((5))~~ (7) The department shall certify a client who is required to spenddown from the first day of the base period when the client has incurred hospital expenses equal to the spenddown liability.

~~((6))~~ (8) When the client requests retroactive medical coverage at the time of application, the retroactive period shall begin three months before the application month unless exceptions in subsection (1)(a), (b), (c), or (d) of this section exist. The department shall certify a client with spenddown in retroactive period effective:

(a) The day the spenddown requirement was met through the last day of the retroactive period when the client has not incurred hospital expenses equal to the spenddown liability; or

(b) The first day of the retroactive period when the client has incurred hospital expenses equal to the spenddown liability.

((7)) (9) The department shall require an application for any subsequent period of eligibility for the medically needy program.

**AMENDATORY SECTION** (Amending Order 3870, filed 7/12/95, effective 8/12/95)

**WAC 388-522-2230 Eligibility reviews.** (1) When a client is receiving cash assistance, the department shall not require a separate eligibility review for the related medical assistance program.

(2) When a client is in a medical institution or receiving medical assistance, the department shall redetermine eligibility:

(a) Every twelve months for a person receiving:

(i) Categorically needy medical assistance; or

(ii) Medically needy program and whose income is at or below the MNIL.

(b) Each three or six months, at the client's option, for a person receiving the medically needy program with spenddown.

(3) The department shall terminate eligibility for a medical program when a person:

(a) Does not complete and return to the department a department-designated eligibility review form before the last day of the certification period; or

(b) Is determined ineligible for a medical program.

**WSR 96-10-036**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed April 25, 1996, 2:18 p.m.]

Date of Adoption: April 25, 1996.

Purpose: Prevention of introduction of Karnal bunt and protection of the state's wheat, rye, and triticale production industry. Karnal bunt is a plant disease of international quarantine significance. Its introduction would cause loss of export markets, resulting in grave economic hardship to the Washington grain industry.

Statutory Authority for Adoption: RCW 17.24.041 and 34.05.350.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Karnal bunt was recently discovered in the United States southwest in areas used to grow seed for wheat, rye, and triticale production. No accepted test protocol is sensitive enough to detect all Karnal bunt spores, and no level of spore contamination is acceptable in wheat, rye, or triticale seed; therefore, no seed from

quarantine areas is acceptable. Seed from quarantine areas has already entered and continues to enter channels of trade destined for Washington. Its entry into the state must be prevented.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: Immediately.

April 25, 1996

James M. Jesernig  
Director

**Rules Relating to Wheat Seed,  
Rye Seed and Triticale Seed Quarantine**

**NEW SECTION**

**WAC 16-473-005 Promulgation - Establishing quarantine.** The commercial production of wheat, rye and triticale for food, seed, and feed in the state of Washington is one of the major agricultural industries. The introduction and spread of Karnal bunt, *Tilletia indica*, represents a serious economic threat to the wheat, rye and triticale production industry. The director finds that the regulation of wheat seed, rye seed and triticale seed is necessary to protect the wheat, rye and triticale production industry and mitigate the threat of introduction of Karnal bunt.

**NEW SECTION**

**WAC 16-473-010 Regulated articles.** (1) Regulated articles include all wheat, rye and triticale intended for or used for planting, hereafter referred to as wheat seed, rye seed and triticale seed. Wheat includes both common wheat *Triticum aestivum* and durum wheat *Triticum durum*. Rye means *Secale cereale*. Triticale is a hybrid of wheat and rye (*Triticum aestivum* x *Secale cereale*).

(2) All containers and/or conveyances used to move wheat seed, rye seed and triticale seed.

**NEW SECTION**

**WAC 16-473-015 Quarantine area.** Quarantine areas are all states, portions of states and/or territories of the United States under a federal Karnal bunt quarantine including but not limited to the state of Arizona, two counties in the state of California (Imperial, Riverside), four counties in the state of New Mexico (Dona Ana, Hildalgo, Luna, Sierra) and two counties in the state of Texas (El Paso, Hudspeth).

NEW SECTION

**WAC 16-473-020 Prohibited acts.** The sale, offering to sell, transporting, distributing and/or planting of wheat seed, rye seed and triticale seed from the quarantine area listed in WAC 16-473-015 is prohibited.

NEW SECTION

**WAC 16-473-025 Permits.** The director may allow, by special permit, the movement of regulated articles listed in WAC 16-473-010 originating from and/or loaded into a conveyance in the areas under quarantine listed in WAC 16-473-015. Such permit shall specify the terms and conditions under which movement is allowed, pursuant to RCW 17.24.041 and RCW 17.24.091. Permits may be requested from the Washington state department of agriculture, plant protection program at telephone number (360) 902-2071.

NEW SECTION

**WAC 16-473-030 Disposition of regulated articles.** Any regulated article listed in WAC 16-473-010 brought into this state in violation of this quarantine must be treated, returned to the quarantine area listed in WAC 16-473-015, or destroyed in a manner prescribed by the director to prevent infestation of the wheat, rye and triticale industry. The action shall be at the expense of the owner or owner's agent without compensation.

NEW SECTION

**WAC 16-473-035 Penalties.** Any person who violates the terms of this quarantine shall be subject to the civil and/or criminal penalties provided for in chapter 17.24 RCW.

**WSR 96-10-046  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE  
(Fisheries)**

[Order 96-34—Filed April 26, 1996, 4:56 p.m., effective May 1, 1996,  
12:01 a.m.]

Date of Adoption: April 26, 1996.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-52-060.

Statutory Authority for Adoption: RCW 75.08.080.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is required to maintain compliance with court order *United States v. Washington*, Case No. 9213.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or

Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1996, 12:01 a.m.

April 26, 1996

Edward P. Manary

for Robert Turner

Director

NEW SECTION

**WAC 220-52-06000A Crawfish fishery.** Notwithstanding the provisions of WAC 220-52-060, effective 12:01 a.m. May 1, 1996 until further notice it is unlawful to harvest crawfish for commercial purposes in the following counties:

- (a) Clallam County
- (b) Island County
- (c) Jefferson County
- (d) King County
- (e) Mason County
- (f) Pierce County
- (g) San Juan County
- (h) Skagit County
- (i) Snohomish County
- (j) Thurston County
- (k) Whatcom County

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

**WSR 96-10-053  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 3975—Filed April 29, 1996, 4:50 p.m.]

Date of Adoption: April 29, 1996.

Purpose: To reinstate the department's ability to pay for prenatal services for pregnant undocumented women.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-505-0520 Citizenship and alien status.

Statutory Authority for Adoption: RCW 74.08.090.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To reinstate the department's ability to pay for prenatal services for pregnant undocumented women.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 1, repealed 0.

Effective Date of Rule: Immediately.

April 29, 1996

Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

**AMENDATORY SECTION** (Amending Order 3923, filed 11/22/95, effective 12/23/95)

**WAC 388-505-0520 Citizenship and alien status.** (1) The department shall provide Medicaid to an otherwise eligible person who is:

(a) A citizen of the United States; or  
(b) A North American Indian born in Canada claiming fifty percent:

(i) Indian blood; or  
(ii) Or less Indian blood and who has maintained United States residency since before December 25, 1952.

(c) An alien lawfully admitted for permanent residence or otherwise permanently residing under color of law (PRUCOL) in the United States; or

(d) An alien lawfully present in the United States according to sections 203 (a)(7), 207(c), 208, and 212 (d)(5) of the Immigration and Nationality Act (INA); or

(e) An alien granted lawful temporary residence, or permanent residence according to sections 245(a), 210, 210(f), and 210A of INA and sections 202 and 302 of the Immigration Reform and Control Act (IRCA), unless five years from the date Immigration and Naturalization Service (INS) grants lawful temporary resident status has not passed; or

(f) An alien approved by the INS under the family unity program, unless five years from the date INS grants lawful temporary resident status for the petitioning relative has not passed.

(2) When an alien as described under subsection (1)(e) or (f) of this section has not passed the five-year disqualification period, the department shall provide Medicaid to an otherwise eligible person when the alien is:

(a) Aged, blind, or disabled; or  
(b) Seventeen years of age or under; or  
(c) Pregnant; or  
(d) A Cuban/Haitian entrant as defined in sections 501 (e)(1) and (2)(A) of P.L. 96-422.

(3) When an alien as described under subsection (1)(e) or (f) of this section is still under the five-year disqualification period, and is not described under subsection (2) of this section, the department shall provide medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005.

(4) For ~~((a))~~ any other alien~~((s))~~, when such alien meets the eligibility requirements of a Medicaid program other than citizenship or alien status requirements, the department shall provide Medicaid as follows:

(a) Full scope medical services for a pregnant woman;  
or

(b) Medical care and services as necessary for treatment of the alien's emergency medical condition as defined under WAC 388-500-0005~~((or~~

~~(b) For a pregnant woman;~~  
~~(i) Medical care and services as described under subsection (a) of this section;~~

~~(ii) Maternity support services;~~  
~~(iii) Maternity case management;~~  
~~(iv) Transportation for maternity-related medical appointments; and~~

~~(v) Interpreter services for maternity-related medical appointments).~~

(5) Medical care services and children's health programs do not require citizenship/alien status.

**WSR 96-10-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Order 3976—Filed April 29, 1996, 4:51 p.m.]

Date of Adoption: April 29, 1996.

Purpose: To provide an appeal process for persons disqualified from employment in child care because of findings or allegations of child abuse or neglect. New WAC 388-330-035 Appeal of disqualification.

Citation of Existing Rules Affected by this Order: Amending WAC 388-150-090, 388-155-090, 388-160-090, 388-330-010, 388-73-030, 388-151-090, 388-73-036, and 388-160-120.

Statutory Authority for Adoption: RCW 74.15.030.

Under 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 Attorney General's Office has determined that such persons have a constitutional right to a hearing.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 1, amended 8, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, amended 8, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 1, amended 8, repealed 0.

Effective Date of Rule: Immediately.

April 29, 1996  
Merry Kogut, Supervisor  
Rules and Policies Assistance Unit

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 96-11 issue of the Register.

**WSR 96-10-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3977—Filed April 30, 1996, 1:45 p.m., effective May 1, 1996]

Date of Adoption: April 30, 1996.

Purpose: To allow longer food stamp certification periods during ACES conversion.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-160 Certification periods.

Statutory Authority for Adoption: 7 CFR 273.10(f).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The amendment allows longer food stamp certification periods. This change is made in conjunction with state-wide implementation of ACES. It means less often visits to the CSOs by clients for redetermination of food stamp eligibility.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 1, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 1, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 1, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1996.

April 30, 1996  
Merry A. Kogut, Supervisor  
Rules and Policies Assistance Unit

AMENDATORY SECTION (Amending Order 3841, filed 2/22/95, effective 4/1/95)

**WAC 388-49-160 Certification periods.** The department shall certify households:

(1) Receiving assistance to coincide with the assistance review or to the end of the assistance period whichever is earlier;

(2) Consisting of migrants up to ~~((three))~~ four months;

(3) Without earned income in which all members are disabled or all members are disabled or elderly for up to twelve months;

(4) Without earned income in which all members are elderly for up to twenty-four months;

(5) With little likelihood of change for six months;

(6) Reporting monthly with earned income for ~~((six))~~ up to twelve months;

(7) Reporting monthly with recent work history for up to six months.

(8) Consisting of an individual with a minor child living with the individual's parent or sibling and purchasing and preparing food separately per WAC 388-49-190 (1)(e) up to six months; and

~~((8))~~ (9) All other households for up to ~~((three))~~ four months.

**WSR 96-10-070**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
(Wildlife)

[Order 96-35—Filed May 1, 1996, 8:17 a.m., effective May 1, 1996]

Date of Adoption: April 30, 1996.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-12-16800A, 232-12-61900B and 232-28-61900Q; and amending WAC 232-12-168, 232-12-619, and 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: These rules implement permanent rules that have been adopted, but will not take effect by the opening date of the 1996-1997 sport fishing season. These rules are necessary for recreational fishing opportunity and resource conservation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Effective Date of Rule: May 1, 1996.

April 30, 1996  
Rich Lincoln  
for Mitchell Johnson, Chairman  
Fish and Wildlife Commission

### NEW SECTION

**WAC 232-12-16800A Fishing contests.** Notwithstanding the provisions of WAC 232-12-168, effective May 1, 1996, until further notice, sponsors must report contest information requested by the department within 30 days after the contest has ended.

### NEW SECTION

**WAC 232-12-61900B Permanent Washington state-wide game fish regulations.** Notwithstanding the provisions of WAC 232-12-619:

(1) Effective May 1, 1996, until further notice the following are the defined river mouths for the named waters:

(a) Deschutes River: A line projected across the river 400 feet below the lower Tumwater Falls fish hatchery.

(b) Kettle River: Napoleon Bridge.

(c) Spokane River: State Route 25 Bridge.

(2) Effective June 1, 1996 until further notice non-buoyant lure and night fishing restriction in effect for Nooksack River, south fork, upstream from Skookum Creek.

### NEW SECTION

**WAC 232-28-61900Q Washington game fish—Regional exceptions.** Notwithstanding the provisions of WAC 232-28-619, effective May 1, 1996 until further notice the following exceptions apply in the respective regions. Any portion of rules not superseded remain in effect:

#### Region 1 -

(1) Asotin Creek, mainstem and forks: Closed through May 31, 1996.

(2) Bear Lake (Spokane County): Open to juveniles and holders of free licenses only.

(3) Blue Creek (Walla Walla County): Closed through May 31, 1996.

(4) Chapman Lake: Daily limit five trout and additionally up to 10 kokanee.

(5) Colville River: Trout - Daily limit five. Walleye - No minimum size, daily limit eight, not more than one over 20 inches. Unlawful to retain walleye 16 to 20 inches in length.

(6) Goose Creek: Open May 1, 1996.

(7) Hawk Creek: Open May 1, 1996.

(8) Horseshoe Lake (Pend Oreille County): Daily limit five trout and additionally up to 10 kokanee.

(9) Kettle River: Trout - Selective fishery regulations, minimum length 12 inches. Walleye - No minimum size, daily limit eight, not more than one over 20 inches. Unlaw-

ful to retain walleye 16 to 20 inches in length. Additional season, May 1 through May 31, 1996, all gamefish except whitefish - Catch and release only. Whitefish - Single hook only.

(10) Loon Lake: Daily limit five trout and additionally up to 10 kokanee. No more than two fish of any species over 20 inches in length.

(11) Mill Creek (Walla Walla County), from Bennington Lake Flood Diversion Dam upstream: Closed through May 31, 1996.

(12) Muskegon Lake: Selective fishery regulations.

(13) Roosevelt Lake: Closed through May 31, 1996, in San Poil arm upstream from mouth of Manilla Creek and Kettle arm upstream to Napoleon Bridge. Trout - No more than two over 20 inches in the daily limit. Walleye - No minimum size, daily limit eight, not more than one over 20 inches. Unlawful to retain walleye 16 to 20 inches in length

(14) Sprague Lake: Closed through June 30 in that part of the lake and Cow Creek from the lakeside edge of the reeds to Danekas Road. Negro Creek is closed through June 15.

(15) Touchet River:

(a) From mouth to confluence of north and south forks: Trout - daily limit five fish. Steelhead - Wild steelhead release.

(b) From confluence of north and south forks upstream: Closed to fishing for steelhead.

(16) Tucannon River:

(a) From Highway 261 Bridge to Turner Road Bridge: Trout daily limit five fish, no more than two of which can be steelhead.

(b) From Cummings Creek Bridge to Deer Lake footbridge: Closed waters.

(c) From Deer Lake footbridge to the Panjab Creek Bridge: Selective fishery regulations and statewide daily limits, except up to two Dolly Varden/Bull Trout minimum length 20 inches may be retained in the trout daily limit.

#### Region 2

(1) Cattail Lake (Grant County): Closed until further notice.

(2) Crab Creek (Grant and Adams Counties):

(a) From Highway 26 to Morgan Lake Road in Section 36: Statewide limits.

(b) From Morgan Lake Road in Section 36 to O'Sullivan Dam, including Marsh Unit I and II impoundments: Closed waters.

(3) Crawfish Lake (Okanagan County): Unlawful to fish from vessels equipped with internal combustion engines.

(4) Gadwall Lake (Grant County): Closed until further notice.

(5) Hourglass Lake (Grant County): Closed until further notice.

(6) Lemna Lake (Grant County): Closed until further notice.

(7) Lost Lake: Unlawful to fish from vessels equipped with internal combustion engines.

(8) Pillar Lake (Grant County): Closed until further notice.

(9) Poacher Lake (Grant County): Closed until further notice.

- (10) Sago Lake (Grant County): Closed until further notice.
- (11) Shoveler Lake (Grant County): Closed until further notice.
- (12) Sidley Lake: Trout - Two fish daily limit.
- (13) Snipe Lake (Grant County): Closed until further notice.
- (14) Widgeon Lake (Grant County): Closed until further notice.

Region 3

- (1) Chelan Hatchery Creek: Statewide season. Open to all fishers.
- (2) Chelan Lake: Trout and salmon - Daily limit two in the aggregate, minimum length 15 inches. Kokanee - Daily limit five, no minimum size. Except:
  - (a) Closed to the taking of game fish other than salmon through June 30, 1996, north of a line between Purple Point and Painted Rocks and within the mouth of all tributaries west of Fields Point.
  - (b) Effective May 15, 1996, until further notice in waters east of Fields Point: Trout - minimum length eight inches and salmon minimum length 15 inches. Trout and salmon daily limit five fish in the aggregate, not more than two of which may be greater than 15 inches in length. Kokanee - daily limit five, no minimum length.
- (3) Roses Lake: Statewide season.

Region 4

- (1) Gissberg Ponds: Channel catfish - Daily limit two fish, no minimum size.
- (2) Monte Christo Lake: Closed through May 31, 1996. Selective fishery regulations.
- (3) Nooksack River, south fork upstream from Skookum Creek: Effective June 1, 1996, until further notice release all steelhead.
- (4) Sammamish River (Slough): Closed through May 31, 1996. Effective June 1, 1996, until further notice - Selective fishery regulations. Trout - Catch and release. Steelhead - Closed to fishing for steelhead.
- (5) Snohomish River: Mouth upstream including all tributaries - Closed through May 31, 1996.
- (6) Swan's Mill Pond (Stossel Creek): Closed through May 31, 1996.
- (7) White (Stuck) River: Closed until further notice.

Region 5

- (1) Cispus River, from mouth to north fork: Steelhead - Additional season May 1 through May 31, 1996. Wild steelhead release.
- (2) Lewis River, North Fork, from Eagle Cliff Bridge to lower falls, including all tributaries: Trout - Catch and release. It is unlawful to retain trout taken from the following tributaries:
  - (a) Clear Creek
  - (b) Clearwater Creek
  - (c) Muddy Creek
  - (d) Pine Creek
- (3) Cowlitz Falls Reservoir: The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road.
- (4) Cowlitz River: Steelhead - Below Barrier Dam unlawful to retain steelhead missing right ventral fin.

- (5) Kalama River: Trout - minimum length 14 inches.
- (6) Lewis River, East Fork: Closed waters from posted markers four hundred feet below to one hundred feet above Lucia Falls.
- (7) Merrill Lake: Unlawful to fish from vessels equipped with internal combustion engines.
- (8) Merwin Lake: Trout - No minimum size.
- (9) Tilton River, South Fork and East Fork: Trout - Minimum length 12 inches.

Region 6

- (1) Damon Lake: Closed through May 31, 1996.
- (2) Dungeness River, from mouth to junction of Grey Wolf and Dungeness River: Closed until further notice.
- (3) Horseshoe Lake (Jefferson County): Selective fishery regulations. Trout - Daily limit one fish.
- (4) Loomis Pond (Grays Harbor County): Closed waters.
- (5) Lost Lake (Jefferson County): Trout - Statewide limit. No minimum size.
- (6) Mill Creek (Clallam County): Closed through May 31, 1996. Effective June 1, 1996, open to all fishers. Trout - Statewide minimum length.
- (7) Promised Land Pond: Closed through May 31, 1996.
- (8) Sherwood Creek Mill Pond (Mason County): Trout - Minimum length 14 inches. Daily limit two fish.
- (9) Shye Lake: Closed through May 31, 1996.
- (10) Stump Lake: Unlawful to fish from vessels equipped with internal combustion engines.

Columbia River

- (1) From the I-5 Bridge to the Highway 395 Bridge at Pasco: Trout - Closed to fishing for trout through June 15, 1996.
- (2) Chief Joseph Dam: Closed to boat fishing from the boundary marker below the tailrace deck to the Corps of Engineers safety zone marker.

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 sections of the Washington Administrative Code are repealed effective June 16, 1996:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>WAC 232-12-16800A</li> <li>WAC 232-12-61900B</li> <br/> <li>WAC 232-28-61900Q</li> </ul> | <ul style="list-style-type: none"> <li>Fishing contests. (96-35)</li> <li>Permanent Washington state-wide game fish regulations. (96-35)</li> <li>Washington game fish—Regional exceptions. (96-35)</li> </ul> |
|---|--|

EMERGENCY

**WSR 96-10-004**  
**NOTICE OF PUBLIC MEETINGS**  
**SKAGIT VALLEY COLLEGE**

[Memorandum—April 17, 1996]

At the April 8 board meeting, Skagit Valley College board of trustees voted to change the day of the regular May board meeting from May 13 to May 6. This meeting will begin at 5:00 p.m. on the Mount Vernon campus. Also, there is a change in the time of the June 10 regular board meeting which is scheduled to be held at the new San Juan Center in Friday Harbor, Washington. The board meeting will be held from 3:15 to approximately 4:30 p.m.

**WSR 96-10-005**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—April 18, 1996]

The board of trustees of Bellingham Technical College will hold a study session to discuss budgetary matters, goal setting, and capital construction on Monday, April 22, 1996, 9 a.m. to 3 p.m., at 3826 South Bay, Bellingham, WA. Call 738-3105 extension 334 for information.

**WSR 96-10-008**  
**NOTICE OF PUBLIC MEETINGS**  
**INTERAGENCY COMMITTEE**  
**FOR OUTDOOR RECREATION**

[Memorandum—April 16, 1996]

Notice is hereby given that a special meeting of the Interagency Committee for Outdoor Recreation (IAC) has been called, as follows:

**DATE:** Tuesday, May 14, 1996  
**TIME:** 6:30 - 8:15 p.m.  
**LOCATION:** Sea-Tac Airport Small Auditorium - Mezzanine level  
**AGENDA:** Implications of legislative inaction on 1996's Supplemental Capital Budget for Washington Wildlife and Recreation Program (WWRP), and discussion or action on options before IAC.

Discussion/Action Items include:

- Possible distribution of some or all remaining 1995-97 WWRP funds (including to FY 96's alternates);
- Methods for future approval of unfunded FY 97 WWRP projects (including legislative action or adding FY 97 WWRP projects to FY 98 or future WWRP lists).

This is a special meeting of the IAC under the Open Public Meetings Act, RCW 42.30.080. As a special meeting, no business other than the agenda items noted can be decided by the committee. This special meeting could include an executive session of the committee.

A detailed briefing paper of recommendations to the IAC is available upon request.

If you have materials for committee review, please submit information to IAC no later than Tuesday, May 7th. This will allow for distribution to committee members in a timely fashion.

The next regular meeting of the IAC remains July 10-12, 1996, at the Water Resources Education Facility in Vancouver, Washington.

IAC public meetings are held in locations accessible to people with disabilities. Arrangements for individuals with hearing or visual impairments can be provided by contacting IAC by May 7, 1996, at (360) 902-3000 or TDD (360) 902-1996.

**WSR 96-10-009**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources)**  
 [Memorandum—April 17, 1996]

The Board of Natural Resources is scheduled to meet August 13, 1996. The meeting will be in the Natural Resources Building, Olympia, Washington, Room 172.

**WSR 96-10-017**  
**RULES COORDINATOR**  
**FORENSIC INVESTIGATIONS COUNCIL**  
 [Filed April 22, 1996, 10:35 a.m.]

Effective April 12, 1996, Darrell K. Russell is designated as rules coordinator for the state Forensic Investigations Council (chapter 398, Laws of 1995).

Darrell K. Russell  
 206 Tenth Avenue S.E.  
 Olympia, WA 98501  
 phone (360) 753-2175  
 FAX (360) 753-3943

Donald T. Reay, M.D.  
 Chair

**WSR 96-10-028**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Capitol Campus Design Advisory Committee)**  
 [Filed April 24, 1996, 3:17 p.m.]

Please record the following additional Capitol Campus Design Advisory Committee 1996 meeting date in the Washington State Register: Wednesday, June 19.

The meeting will begin at 9:30 a.m. in Room 207, General Administration Building.

**WSR 96-10-037**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
(Board of Nursing Home Administrators)  
[Memorandum—April 23, 1996]

The Board of Nursing Home Administrators has canceled its meeting scheduled for May 16 and 17, 1996.

**WSR 96-10-047**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 29, 1996, 9:15 a.m.]

**NOTICE OF PUBLIC HEARING**  
**Washington State Implementation Plan (SIP)**  
**Vancouver Ozone**  
**May 30, 1996**

The Washington State Department of Ecology will be conducting a public hearing at the Clark Public Utilities Operations Center, 8600 N.E. 117th Avenue, Vancouver, WA, on Thursday, May 30, 1996, at 6:00 p.m.

The purpose of the hearing will be to receive comments on submitting the Vancouver Ozone Maintenance Plan, affecting Clark County, to the Environmental Protection Agency (EPA) as a State Implementation Plan (SIP) update. This plan was adopted by the Southwest Air Pollution Control Authority (SWAPCA) board on March 19, 1996. Accompanying the submittal will be a request that EPA redesignate the Vancouver area to attainment, signifying that the area is now a "clean air community."

Interested persons may provide written or oral comments at the hearing. Those comments need to be limited to the inclusion of the maintenance plan into the SIP. Written comments will be considered if postmarked no later than May 31, 1996, and should be sent to Fred Greef, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

For information on the SIP submittal, or for a list of locations where a copy of the draft document can be reviewed, please contact Lydia Blalock at (360) 407-6860.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Lydia Blalock at (360) 407-6860 (voice) or (360) 407-6006 (TDD only).

**WSR 96-10-061**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
[Memorandum—April 30, 1996]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, May 16, 1996, 9-11 a.m., in the College Services Building Board Room on the Bellingham Technical College campus. Call 738-3105 extension 334 for information.

**WSR 96-10-074**  
**RULES COORDINATOR**  
**DEPARTMENT OF REVENUE**  
[Filed May 1, 1996, 10:37 a.m.]

The Washington State Department of Revenue has designated Claire Hesselholt, Policy Counsel, as rules coordinator. Ms. Hesselholt's address and telephone number are as follows:

Claire Hesselholt, Policy Counsel  
Legislation and Policy Division  
Department of Revenue  
711 Capitol Way South, Suite 303  
P.O. Box 47467  
Olympia, WA 98504-4767 [98504-7467]  
phone (360) 753-3446  
FAX (360) 664-0693

Russell W. Brubaker  
Assistant Director

**WSR 96-10-081**  
**RULES COORDINATOR**  
**DEPARTMENT OF ECOLOGY**  
[Filed May 1, 1996, 11:32 a.m.]

In accordance with RCW 34.05.310, the rules coordinator for the Department of Ecology is Jerry Thielen, Economic and Regulatory Research Unit, P.O. Box 47600, Olympia, WA 98504-7600. Jerry can be reached at (360) 407-7551.

Mary Riveland  
Director

MISCELLANEOUS

**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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-530	PREP	96-05-081	16-156	PREP	96-08-074	16-400-100	AMD-P	96-05-071
4-25-530	AMD-P	96-09-065	16-168-010	NEW-P	96-05-027	16-400-100	AMD	96-10-060
4-25-722	PREP	96-05-082	16-168-010	NEW	96-09-037	16-400-210	AMD-P	96-05-071
4-25-722	AMD-P	96-09-064	16-168-020	NEW-P	96-05-027	16-400-210	AMD	96-10-060
4-25-750	PREP	96-05-083	16-168-020	NEW	96-09-037	16-409-020	PREP	96-09-090
4-25-750	AMD-P	96-09-066	16-168-030	NEW-P	96-05-027	16-409-030	PREP	96-09-090
4-25-810	PREP	96-05-084	16-168-030	NEW	96-09-037	16-409-060	PREP	96-09-090
4-25-810	PREP-W	96-10-027	16-168-040	NEW-P	96-05-027	16-409-065	PREP	96-09-090
12-18-020	PREP	96-10-041	16-168-040	NEW	96-09-037	16-473-005	NEW-E	96-10-036
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16-05-020	NEW-P	96-10-080	16-168-070	NEW-P	96-05-027	16-473-030	NEW-E	96-10-036
16-05-025	NEW-P	96-10-080	16-168-070	NEW	96-09-037	16-473-035	NEW-E	96-10-036
16-05-030	NEW-P	96-10-080	16-168-080	NEW-P	96-05-027	16-529-150	AMD	96-03-151
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16-06-030	REP-P	96-06-082	16-200-640	REP-P	96-10-071	16-532-0408	NEW-P	96-05-086
16-06-040	REP-P	96-06-082	16-200-650	REP-P	96-10-071	16-532-0410	NEW-P	96-05-086
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16-06-080	REP-P	96-06-082	16-200-770	AMD-P	96-10-071	16-560-06001	AMD	96-07-054
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16-06-120	REP-P	96-06-082	16-200-800	REP-P	96-10-071	16-750-015	AMD	96-06-030
16-06-130	REP-P	96-06-082	16-200-805	AMD-P	96-10-071	44-10-010	AMD	96-03-155
16-06-140	REP-P	96-06-082	16-200-810	REP-P	96-10-071	44-10-020	NEW	96-03-155
16-06-150	NEW-P	96-06-082	16-200-815	AMD-P	96-10-071	44-10-030	AMD	96-03-155
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16-06-165	NEW-P	96-06-082	16-200-860	AMD-P	96-10-071	44-10-050	AMD	96-03-155
16-06-170	NEW-P	96-06-082	16-200-865	NEW-P	96-10-071	44-10-060	AMD	96-03-155
16-06-175	NEW-P	96-06-082	16-200-870	REP-P	96-10-071	44-10-070	AMD	96-03-155
16-06-180	NEW-P	96-06-082	16-200-885	NEW-P	96-10-071	44-10-080	AMD	96-03-155
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16-06-190	NEW-P	96-06-082	16-300-010	AMD	96-04-058	44-10-100	AMD	96-03-155
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16-06-200	NEW-P	96-06-082	16-304-130	AMD-P	96-09-091	44-10-120	AMD	96-03-155
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16-06-210	NEW-P	96-06-082	16-316	PREP	96-07-086	44-10-140	AMD	96-03-155
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16-06-230	NEW-P	96-06-082	16-400-040	AMD-P	96-05-071	44-10-170	AMD	96-03-155
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44-10-220	REP	96-03-155	50-60-042	DECOD	96-04-028	132N-276-150	AMD-P	96-07-029
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44-10-222	NEW	96-03-155	50-60-050	DECOD	96-04-028	132V-15	PREP	96-09-050A
44-10-223	NEW	96-03-155	50-60-060	DECOD	96-04-028	132V-24	PREP	96-09-050B
44-10-230	REP	96-03-155	50-60-070	DECOD	96-04-028	132V-130	PREP	96-09-050C
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44-10-310	AMD	96-03-155	50-60-08005	DECOD	96-04-028	132Z-104-020	NEW-P	96-09-074
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50-20-100	DECOD	96-04-013	50-60-08020	DECOD	96-04-028	132Z-108-020	NEW-P	96-09-074
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50-20-110	DECOD	96-04-013	50-60-08030	DECOD	96-04-028	132Z-108-040	NEW-P	96-09-074
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50-20-120	DECOD	96-04-013	50-60-08040	DECOD	96-04-028	132Z-108-060	NEW-P	96-09-074
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50-20-200	REP	96-04-013	50-60-145	DECOD	96-04-028	132Z-276-060	NEW-P	96-09-074
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50-30-010	AMD	96-03-059	50-60-165	DECOD	96-04-028	132Z-276-090	NEW-P	96-09-074
50-30-010	DECOD	96-03-059	50-60-170	DECOD	96-04-028	132Z-276-100	NEW-P	96-09-074
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50-30-020	AMD	96-03-059	50-60-210	DECOD	96-04-028	132Z-276-130	NEW-P	96-09-074
50-30-020	DECOD	96-03-059	55-01-001	REP-P	96-09-102	132Z-276-140	NEW-P	96-09-074
50-30-025	NEW	96-03-059	55-01-010	AMD-E	96-03-104	132Z-300-010	NEW-P	96-09-074
50-30-025	DECOD	96-03-059	55-01-010	REP-P	96-09-102	132Z-300-020	NEW-P	96-09-074
50-30-030	AMD	96-03-059	55-01-020	AMD-E	96-03-104	132Z-300-030	NEW-P	96-09-074
50-30-030	DECOD	96-03-059	55-01-020	REP-P	96-09-102	132Z-300-040	NEW-P	96-09-074
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50-30-035	DECOD	96-03-059	55-01-030	REP-P	96-09-102	132Z-310-020	NEW-P	96-09-074
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50-30-040	DECOD	96-03-059	55-01-040	REP-P	96-09-102	132Z-310-040	NEW-P	96-09-074
50-30-050	AMD	96-03-059	55-01-050	AMD-E	96-03-104	132Z-325-010	NEW-P	96-09-074
50-30-050	DECOD	96-03-059	55-01-050	REP-P	96-09-102	137-08	PREP	96-07-099
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50-30-060	DECOD	96-03-059	55-01-060	REP-P	96-09-102	139-01-810	AMD	96-08-008
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50-30-065	DECOD	96-03-059	55-01-070	REP-P	96-09-102	162-04	PREP	96-02-081
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50-30-068	DECOD	96-03-059	82-05-010	NEW	96-03-048	162-08-061	AMD-P	96-06-087
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50-30-080	DECOD	96-03-059	132D-120-055	PREP	96-10-016	162-08-094	AMD-P	96-06-087
50-30-085	NEW	96-03-059	132N-276	PREP	96-03-101	162-08-09401	NEW-P	96-06-087
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50-30-090	DECOD	96-03-059	132N-276-020	AMD-P	96-07-029	162-08-104	AMD-P	96-06-087
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50-44-025	NEW	96-04-022	132N-276-090	AMD-P	96-07-029	162-08-305	AMD-P	96-06-087
50-60-010	DECOD	96-04-028	132N-276-100	AMD-P	96-07-029	162-12-100	AMD-P	96-08-055
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50-60-030	DECOD	96-04-028	132N-276-120	AMD-P	96-07-029	162-12-120	AMD-P	96-08-055
						162-12-130	AMD-P	96-08-055

Table of WAC Sections Affected

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162-12-135	AMD-P	96-08-055	173-354-050	NEW-W	96-05-020	180-40-320	AMD-P	96-08-061
162-12-140	AMD-P	96-08-055	173-354-070	NEW-W	96-05-020	180-40-320	AMD-W	96-09-025
162-12-150	AMD-P	96-08-055	173-354-090	NEW-W	96-05-020	180-51-050	AMD-P	96-04-071
162-12-160	AMD-P	96-08-055	173-354-100	NEW-W	96-05-020	180-51-050	AMD-C	96-09-010
162-12-170	AMD-P	96-08-055	173-354-150	NEW-W	96-05-020	180-51-050	AMD	96-09-027
162-12-180	AMD-P	96-08-055	173-354-200	NEW-W	96-05-020	180-75-047	AMD	96-08-022
162-22	AMD-P	96-08-055	173-354-230	NEW-W	96-05-020	180-78-160	PREP	96-07-102
162-22-010	AMD-P	96-08-055	173-354-300	NEW-W	96-05-020	180-79-086	AMD-P	96-04-047
162-22-020	AMD-P	96-08-055	173-354-320	NEW-W	96-05-020	180-79-086	AMD	96-08-023
162-22-030	REP-P	96-08-055	173-354-340	NEW-W	96-05-020	180-79-230	AMD	96-08-022
162-22-040	REP-P	96-08-055	173-354-360	NEW-W	96-05-020	180-79-311	AMD-P	96-04-048
162-22-050	AMD-P	96-08-055	173-354-380	NEW-W	96-05-020	180-79-311	AMD	96-08-024
162-22-060	AMD-P	96-08-055	173-354-400	NEW-W	96-05-020	180-79-334	AMD-P	96-04-049
162-22-070	AMD-P	96-08-055	173-354-440	NEW-W	96-05-020	180-79-334	AMD	96-08-025
162-22-080	AMD-P	96-08-055	173-354-460	NEW-W	96-05-020	180-83-010	NEW	96-04-073
162-22-090	AMD-P	96-08-055	173-354-500	NEW-W	96-05-020	180-83-020	NEW	96-04-073
162-22-100	NEW-P	96-08-055	173-354-515	NEW-W	96-05-020	180-83-030	NEW	96-04-073
162-30	AMD-P	96-08-055	173-354-525	NEW-W	96-05-020	180-83-040	NEW	96-04-073
162-30-010	AMD-P	96-08-055	173-354-535	NEW-W	96-05-020	180-83-050	NEW	96-04-073
162-30-020	AMD-P	96-08-055	173-354-545	NEW-W	96-05-020	180-83-060	NEW	96-04-073
162-30-030	NEW-P	96-08-055	173-354-555	NEW-W	96-05-020	180-83-070	NEW	96-04-073
162-30-035	NEW-P	96-08-055	173-354-600	NEW-W	96-05-020	180-85-025	AMD-P	96-04-074
162-30-040	NEW-P	96-08-055	173-354-620	NEW-W	96-05-020	180-85-025	AMD	96-08-013
162-30-050	NEW-P	96-08-055	173-354-640	NEW-W	96-05-020	180-85-032	NEW-P	96-04-074
162-30-060	NEW-P	96-08-055	173-354-660	NEW-W	96-05-020	180-85-032	NEW	96-08-013
162-30-070	NEW-P	96-08-055	173-354-670	NEW-W	96-05-020	180-86	PREP	96-06-038
162-30-080	NEW-P	96-08-055	173-354-680	NEW-W	96-05-020	180-87-093	NEW-P	96-04-072
162-30-090	NEW-P	96-08-055	173-354-700	NEW-W	96-05-020	180-87-093	NEW	96-08-012
162-30-100	NEW-P	96-08-055	173-354-720	NEW-W	96-05-020	180-90	PREP	96-09-026
162-36	PREP	96-02-081	173-354-800	NEW-W	96-05-020	182-08-010	AMD-P	96-02-079
162-36-001	NEW-P	96-06-087	173-354-900	NEW-W	96-05-020	182-08-010	AMD	96-08-042
162-36-005	NEW-P	96-06-087	173-354-990	NEW-W	96-05-020	182-08-015	NEW-P	96-02-079
162-36-006	NEW-P	96-06-087	173-400-030	AMD-P	96-06-036	182-08-015	NEW	96-08-042
162-36-010	AMD-P	96-06-087	173-400-045	AMD-P	96-06-036	182-08-020	AMD-P	96-02-079
162-36-020	AMD-P	96-06-087	173-400-070	AMD-P	96-06-036	182-08-020	AMD	96-08-042
162-38	PREP	96-02-081	173-400-075	AMD-P	96-06-036	182-08-030	REP-P	96-02-079
162-38-010	AMD-P	96-06-087	173-400-105	AMD-P	96-06-036	182-08-030	REP	96-08-042
162-38-020	REP-P	96-06-087	173-400-115	AMD-P	96-06-036	182-08-040	REP-P	96-02-079
162-38-030	REP-P	96-06-087	173-400-116	AMD-P	96-06-036	182-08-040	REP	96-08-042
162-38-035	AMD-P	96-06-087	173-400-141	AMD-P	96-06-036	182-08-060	REP-P	96-02-079
162-38-040	AMD-P	96-06-087	173-430-040	AMD-E	96-08-041	182-08-060	REP	96-08-042
162-38-050	AMD-P	96-06-087	173-806	PREP	96-06-018	182-08-090	NEW-P	96-02-079
162-38-060	AMD-P	96-06-087	174-120	PREP	96-03-138	182-08-095	NEW	96-08-042
162-38-070	AMD-P	96-06-087	174-120-010	REP-P	96-08-066	182-08-110	REP-P	96-02-079
162-38-080	AMD-P	96-06-087	174-120-015	NEW-P	96-08-066	182-08-110	REP	96-08-042
162-38-090	AMD-P	96-06-087	174-120-025	NEW-P	96-08-066	182-08-120	AMD-P	96-02-079
162-38-100	AMD-P	96-06-087	174-120-030	REP-P	96-08-066	182-08-120	AMD	96-08-042
162-38-110	AMD-P	96-06-087	174-120-035	NEW-P	96-08-066	182-08-160	AMD-P	96-02-079
162-38-120	AMD-P	96-06-087	174-120-040	REP-P	96-08-066	182-08-160	AMD	96-08-042
173-145-100	AMD-E	96-09-007	174-120-045	NEW-P	96-08-066	182-08-165	AMD-P	96-02-079
173-224-040	AMD	96-03-041	174-120-050	REP-P	96-08-066	182-08-165	AMD	96-08-042
173-224-050	AMD	96-03-041	174-120-055	NEW-P	96-08-066	182-08-170	REP-P	96-02-079
173-224-070	REP	96-03-041	174-120-060	REP-P	96-08-066	182-08-170	REP	96-08-042
173-224-090	AMD	96-03-041	174-120-065	NEW-P	96-08-066	182-08-180	AMD-P	96-02-079
173-303-515	REP-W	96-05-020	174-120-070	REP-P	96-08-066	182-08-180	AMD	96-08-042
173-330-010	REP-W	96-05-020	174-120-075	NEW-P	96-08-066	182-08-190	AMD-P	96-02-079
173-330-020	REP-W	96-05-020	174-120-080	REP-P	96-08-066	182-08-190	AMD	96-08-042
173-330-030	REP-W	96-05-020	174-120-085	NEW-P	96-08-066	182-08-195	REP-P	96-02-079
173-330-040	REP-W	96-05-020	174-120-090	REP-P	96-08-066	182-08-195	REP	96-08-042
173-330-050	REP-W	96-05-020	180-16-238	PREP	96-04-070	182-08-200	AMD-P	96-02-079
173-330-060	REP-W	96-05-020	180-16-238	NEW-P	96-07-046	182-08-200	AMD	96-08-042
173-330-070	REP-W	96-05-020	180-20	PREP	96-08-060	182-08-210	AMD-P	96-02-079
173-330-900	REP-W	96-05-020	180-40	PREP	96-10-003	182-08-210	AMD	96-08-042
173-340-200	AMD	96-04-010	180-40-240	AMD-P	96-08-061	182-08-220	AMD-P	96-02-079
173-340-440	AMD	96-04-010	180-40-240	AMD-W	96-09-025	182-08-220	AMD	96-08-042
173-340-530	AMD	96-04-010	180-40-255	AMD-P	96-08-061	182-08-300	REP-P	96-02-079
173-340-700	AMD	96-04-010	180-40-255	AMD-W	96-09-025	182-08-300	REP	96-08-042
173-340-706	AMD	96-04-010	180-40-310	AMD-P	96-08-061	182-12-110	AMD-P	96-02-080
173-340-740	AMD	96-04-010	180-40-310	AMD-W	96-09-025	182-12-110	AMD	96-08-043
173-340-745	AMD	96-04-010	180-40-315	AMD-P	96-08-061	182-12-111	AMD-P	96-02-080
173-354-008	NEW-W	96-05-020	180-40-315	AMD-W	96-09-025	182-12-111	AMD	96-08-043
173-354-010	NEW-W	96-05-020	180-40-317	NEW-P	96-08-061	182-12-115	AMD-P	96-02-080
173-354-020	NEW-W	96-05-020	180-40-317	NEW-W	96-09-025	182-12-115	AMD	96-08-043

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
182-12-117	NEW-P	96-02-080	208-08-090	NEW-P	96-06-085	208-620-070	NEW	96-04-013
182-12-117	NEW	96-08-043	208-08-100	NEW-P	96-06-085	208-620-080	NEW	96-04-013
182-12-119	NEW-P	96-02-080	208-08-110	NEW-P	96-06-085	208-620-090	NEW	96-04-013
182-12-119	NEW	96-08-043	208-08-120	NEW-P	96-06-085	208-620-100	RECOD	96-04-013
182-12-122	REP-P	96-02-080	208-08-130	NEW-P	96-06-085	208-620-110	RECOD	96-04-013
182-12-122	REP	96-08-043	208-08-140	NEW-P	96-06-085	208-620-120	RECOD	96-04-013
182-12-130	REP-P	96-02-080	208-418	AMD-P	96-08-076	208-620-130	RECOD	96-04-013
182-12-130	REP	96-08-043	208-418-020	RECOD	96-06-011	208-620-140	RECOD	96-04-013
182-12-132	AMD-P	96-02-080	208-418-020	AMD-P	96-08-076	208-620-150	NEW	96-04-013
182-12-132	AMD	96-08-043	208-418-030	RECOD	96-06-011	208-620-160	RECOD	96-04-013
182-12-145	AMD-P	96-02-080	208-418-030	REP-P	96-08-076	208-620-170	RECOD	96-04-013
182-12-145	AMD	96-08-043	208-418-040	RECOD	96-06-011	208-620-180	NEW	96-04-013
182-12-151	REP-P	96-02-080	208-418-040	AMD-P	96-08-076	208-620-190	RECOD	96-04-013
182-12-151	REP	96-08-043	208-418-045	RECOD	96-06-011	208-620-200	NEW	96-04-013
182-12-160	REP-P	96-02-080	208-418-045	AMD-P	96-08-076	208-620-210	RECOD	96-04-013
182-12-160	REP	96-08-043	208-418-050	RECOD	96-06-011	208-620-220	NEW	96-04-013
182-12-165	REP-P	96-02-080	208-418-050	AMD-P	96-08-076	208-620-005	RECOD	96-03-059
182-12-165	REP	96-08-043	208-418-060	RECOD	96-06-011	208-630-010	RECOD	96-03-059
182-12-200	AMD-P	96-02-080	208-418-060	AMD-P	96-08-076	208-630-015	RECOD	96-03-059
182-12-200	AMD	96-08-043	208-418-070	RECOD	96-06-011	208-630-020	RECOD	96-03-059
182-12-215	AMD-P	96-02-080	208-418-070	AMD-P	96-08-076	208-630-025	RECOD	96-03-059
182-12-215	AMD	96-08-043	208-418-080	RECOD	96-06-011	208-630-030	RECOD	96-03-059
182-12-220	AMD-P	96-02-080	208-418-080	REP-P	96-08-076	208-630-035	RECOD	96-03-059
182-12-220	AMD	96-08-043	208-436-010	RECOD	96-06-011	208-630-040	RECOD	96-03-059
182-25-001	NEW-P	96-09-102	208-436-020	RECOD	96-06-011	208-630-050	RECOD	96-03-059
182-25-010	NEW-P	96-09-102	208-436-030	RECOD	96-06-011	208-630-060	RECOD	96-03-059
182-25-020	NEW-P	96-09-102	208-436-040	RECOD	96-06-011	208-630-065	RECOD	96-03-059
182-25-030	NEW-P	96-09-102	208-436-050	RECOD	96-06-011	208-630-068	RECOD	96-03-059
182-25-040	NEW-P	96-09-102	208-436-060	RECOD	96-06-011	208-630-070	RECOD	96-03-059
182-25-050	NEW-P	96-09-102	208-436-070	RECOD	96-06-011	208-630-075	RECOD	96-03-059
182-25-060	NEW-P	96-09-102	208-436-080	RECOD	96-06-011	208-630-080	RECOD	96-03-059
182-25-070	NEW-P	96-09-102	208-436-090	RECOD	96-06-011	208-630-085	RECOD	96-03-059
182-25-080	NEW-P	96-09-102	208-440-010	RECOD	96-06-011	208-630-090	RECOD	96-03-059
182-25-090	NEW-P	96-09-102	208-440-020	RECOD	96-06-011	208-630-095	RECOD	96-03-059
182-25-100	NEW-P	96-09-102	208-440-030	RECOD	96-06-011	208-630-100	RECOD	96-03-059
182-25-105	NEW-P	96-09-102	208-440-040	RECOD	96-06-011	208-660-010	RECOD	96-04-028
182-25-110	NEW-P	96-09-102	208-440-050	RECOD	96-06-011	208-660-020	RECOD	96-04-028
184-10-140	NEW-C	96-03-033	208-444-010	RECOD	96-06-011	208-660-030	RECOD	96-04-028
192-12-300	PREP	96-03-158	208-464-010	RECOD	96-06-011	208-660-035	RECOD	96-04-028
192-12-305	PREP	96-03-158	208-464-020	RECOD	96-06-011	208-660-040	RECOD	96-04-028
192-16-002	AMD-P	96-04-065	208-464-030	RECOD	96-06-011	208-660-042	RECOD	96-04-028
192-16-024	NEW-P	96-04-065	208-464-040	RECOD	96-06-011	208-660-045	RECOD	96-04-028
192-16-051	AMD-P	96-04-065	208-464-050	RECOD	96-06-011	208-660-050	RECOD	96-04-028
192-16-052	NEW-P	96-04-065	208-464-060	RECOD	96-06-011	208-660-060	RECOD	96-04-028
192-28-105	PREP	96-03-159	208-464-070	RECOD	96-06-011	208-660-070	RECOD	96-04-028
192-28-120	PREP	96-03-159	208-464-080	RECOD	96-06-011	208-660-080	RECOD	96-04-028
192-33-001	NEW-E	96-09-004	208-464-090	RECOD	96-06-011	208-660-08005	RECOD	96-04-028
192-36-010	NEW-P	96-08-062	208-472-010	RECOD	96-06-011	208-660-08010	RECOD	96-04-028
192-36-015	NEW-P	96-08-062	208-472-012	RECOD	96-06-011	208-660-08015	RECOD	96-04-028
192-36-020	NEW-P	96-08-062	208-472-015	RECOD	96-06-011	208-660-08020	RECOD	96-04-028
192-36-025	NEW-P	96-08-062	208-472-020	RECOD	96-06-011	208-660-08025	RECOD	96-04-028
196-16-005	REP-P	96-07-052	208-472-025	RECOD	96-06-011	208-660-08030	RECOD	96-04-028
196-16-007	AMD-P	96-07-052	208-472-041	RECOD	96-06-011	208-660-08035	RECOD	96-04-028
196-16-010	AMD-P	96-07-052	208-472-045	RECOD	96-06-011	208-660-08040	RECOD	96-04-028
196-16-020	AMD-P	96-07-052	208-472-050	RECOD	96-06-011	208-660-085	RECOD	96-04-028
196-16-031	AMD-P	96-07-052	208-472-060	RECOD	96-06-011	208-660-090	RECOD	96-04-028
196-20-010	AMD-P	96-07-052	208-472-065	RECOD	96-06-011	208-660-09005	RECOD	96-04-028
196-20-020	AMD-P	96-07-052	208-472-070	RECOD	96-06-011	208-660-09010	RECOD	96-04-028
196-20-030	AMD-P	96-07-052	208-472-075	RECOD	96-06-011	208-660-09015	RECOD	96-04-028
196-21-010	NEW-P	96-07-052	208-472-080	RECOD	96-06-011	208-660-09020	RECOD	96-04-028
196-21-020	NEW-P	96-07-052	208-480-010	RECOD	96-06-011	208-660-100	RECOD	96-04-028
196-21-030	NEW-P	96-07-052	208-480-020	RECOD	96-06-011	208-660-110	RECOD	96-04-028
196-24-058	NEW-P	96-07-037	208-480-030	RECOD	96-06-011	208-660-120	RECOD	96-04-028
204-56	PREP	96-06-060	208-480-040	RECOD	96-06-011	208-660-125	RECOD	96-04-028
204-56-085	AMD-P	96-09-080	208-480-050	RECOD	96-06-011	208-660-130	RECOD	96-04-028
208-08-010	NEW-P	96-06-085	208-480-060	RECOD	96-06-011	208-660-140	RECOD	96-04-028
208-08-020	NEW-P	96-06-085	208-480-070	RECOD	96-06-011	208-660-145	RECOD	96-04-028
208-08-030	NEW-P	96-06-085	208-620-010	NEW	96-04-013	208-660-150	RECOD	96-04-028
208-08-040	NEW-P	96-06-085	208-620-020	NEW	96-04-013	208-660-160	RECOD	96-04-028
208-08-050	NEW-P	96-06-085	208-620-030	NEW	96-04-013	208-660-165	RECOD	96-04-028
208-08-060	NEW-P	96-06-085	208-620-040	NEW	96-04-013	208-660-170	RECOD	96-04-028
208-08-070	NEW-P	96-06-085	208-620-050	NEW	96-04-013	208-660-190	RECOD	96-04-028
208-08-080	NEW-P	96-06-085	208-620-060	NEW	96-04-013	208-660-200	RECOD	96-04-028

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
208-660-210	RECOD	96-04-028	220-52-07300G	NEW-E	96-05-033	220-57-340	AMD-C	96-05-005
208-680A	PREP	96-06-084	220-52-07300G	REP-E	96-05-033	220-57-345	AMD-C	96-05-005
208-680A-010	RECOD	96-05-018	220-52-07300H	NEW-E	96-06-005	220-57-350	AMD-C	96-05-005
208-680A-020	RECOD	96-05-018	220-52-07300H	REP-E	96-06-005	220-57-370	AMD-C	96-05-005
208-680A-030	RECOD	96-05-018	220-52-07500A	NEW-E	96-09-048	220-57-385	AMD-C	96-05-005
208-680A-040	RECOD	96-05-018	220-55-005	AMD	96-05-004	220-57-410	AMD-C	96-05-005
208-680B	PREP	96-06-084	220-55-010	AMD	96-05-004	220-57-415	AMD-C	96-05-005
208-680B-010	RECOD	96-05-018	220-55-050	AMD	96-05-004	220-57-425	AMD-C	96-05-005
208-680B-020	RECOD	96-05-018	220-55-055	AMD	96-05-004	220-57-430	AMD-C	96-05-005
208-680B-030	RECOD	96-05-018	220-55-075	AMD	96-05-004	220-57-435	AMD-C	96-05-005
208-680B-050	RECOD	96-05-018	220-55-110	AMD	96-05-004	220-57-450	AMD-C	96-05-005
208-680B-070	RECOD	96-05-018	220-56-100	AMD-C	96-05-005	220-57-455	AMD-C	96-05-005
208-680B-080	RECOD	96-05-018	220-56-105	AMD-C	96-05-005	220-57-460	AMD-C	96-05-005
208-680B-090	RECOD	96-05-018	220-56-124	AMD-C	96-05-005	220-57-465	AMD-C	96-05-005
208-680C	PREP	96-06-084	220-56-190	AMD-C	96-05-005	220-57-473	AMD-C	96-05-005
208-680C-020	RECOD	96-05-018	220-56-191	AMD-C	96-05-005	220-57-480	AMD-C	96-05-005
208-680C-030	RECOD	96-05-018	220-56-1900Q	NEW-E	96-09-063	220-57-495	AMD-C	96-05-005
208-680C-040	RECOD	96-05-018	220-56-195	AMD-C	96-05-005	220-57-50500Y	NEW-E	96-08-045
208-680C-050	RECOD	96-05-018	220-56-205	AMD-C	96-05-005	220-57-51500L	NEW-E	96-08-045
208-680D	PREP	96-06-084	220-56-235	AMD	96-05-004	220-57-520	AMD-C	96-05-005
208-680D-010	RECOD	96-05-018	220-56-240	AMD	96-05-004	220-57-525	AMD-C	96-05-005
208-680D-020	RECOD	96-05-018	220-56-24000B	NEW-E	96-08-063	220-57A-001	AMD	96-05-004
208-680D-030	RECOD	96-05-018	220-56-28500G	NEW-E	96-06-052	220-57A-035	AMD	96-05-004
208-680D-040	RECOD	96-05-018	220-56-28500G	REP-E	96-06-052	220-57A-175	AMD-C	96-05-005
208-680D-050	RECOD	96-05-018	220-56-28500H	NEW-E	96-08-063	220-57A-180	AMD-C	96-05-005
208-680D-060	RECOD	96-05-018	220-56-310	AMD-C	96-05-005	220-69-24000C	NEW-E	96-09-048
208-680D-070	RECOD	96-05-018	220-56-325	AMD	96-05-004	220-88A-07000C	NEW-E	96-09-048
208-680D-080	RECOD	96-05-018	220-56-32500E	NEW-E	96-09-049	220-88A-08000B	NEW-E	96-09-048
208-680E	PREP	96-06-084	220-56-326	NEW	96-05-004	220-95	AMD-C	96-08-015
208-680E-011	RECOD	96-05-018	220-56-330	AMD-C	96-05-005	220-95-013	AMD-P	96-04-069
208-680F	PREP	96-06-084	220-56-350	AMD-C	96-05-005	220-95-018	AMD-P	96-04-069
208-680F-010	RECOD	96-05-018	220-56-35000J	REP-E	96-08-046	220-95-022	AMD-P	96-04-069
208-680F-020	RECOD	96-05-018	220-56-35000K	NEW-E	96-08-046	220-95-032	AMD-P	96-04-069
208-680F-040	RECOD	96-05-018	220-56-36000Q	NEW-E	96-07-051	222-10-030	NEW-W	96-03-067
208-680F-050	RECOD	96-05-018	220-56-36000Q	REP-E	96-07-051	222-10-040	NEW-C	96-04-076
208-680F-060	RECOD	96-05-018	220-56-372	AMD	96-05-004	222-10-040	NEW-C	96-05-090
208-680F-070	RECOD	96-05-018	220-56-380	AMD-C	96-05-005	222-10-040	NEW-S	96-09-099
220-32-05100S	NEW-E	96-04-039	220-56-38000D	REP-E	96-08-046	222-10-041	NEW-C	96-04-076
220-32-05100S	REP-E	96-04-039	220-56-38000E	NEW-E	96-08-046	222-10-041	NEW-C	96-05-090
220-32-05500V	NEW-E	96-10-015	220-57-130	AMD-C	96-05-005	222-10-041	NEW-S	96-09-099
220-32-05700S	NEW-E	96-08-064	220-57-135	AMD-C	96-05-005	222-16-010	AMD-E	96-03-009
220-32-05700S	REP-E	96-08-064	220-57-137	AMD-C	96-05-005	222-16-010	AMD-C	96-04-076
220-33-01000D	NEW-E	96-05-055	220-57-140	AMD-C	96-05-005	222-16-010	AMD-C	96-05-090
220-33-01000D	REP-E	96-05-055	220-57-155	AMD-C	96-05-005	222-16-010	AMD-S	96-09-099
220-33-04000B	NEW-E	96-04-026	220-57-160	AMD-C	96-05-005	222-16-075	NEW-W	96-03-067
220-33-04000B	REP-E	96-04-026	220-57-16000D	NEW-E	96-06-052	222-16-080	AMD-E	96-03-009
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220-36-023	AMD-P	96-09-104	220-57-175	AMD-C	96-05-005	222-16-080	AMD-C	96-05-090
220-40-021	AMD-P	96-09-104	220-57-17500D	NEW-E	96-08-045	222-16-080	AMD-S	96-09-099
220-40-027	AMD-P	96-09-104	220-57-187	NEW-C	96-05-005	222-16-085	NEW-C	96-04-076
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220-44-050	AMD-P	96-03-154	220-57-200	AMD-C	96-05-005	222-16-085	NEW-S	96-09-099
220-47-304	AMD-P	96-09-105	220-57-205	AMD-C	96-05-005	222-16-086	NEW-C	96-04-076
220-47-307	AMD-P	96-09-105	220-57-210	AMD-C	96-05-005	222-16-086	NEW-C	96-05-090
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220-47-411	AMD-P	96-09-105	220-57-230	AMD-C	96-05-005	222-16-100	NEW-C	96-05-090
220-47-427	NEW-P	96-09-105	220-57-235	AMD-C	96-05-005	222-16-100	NEW-S	96-09-099
220-47-428	NEW-P	96-09-105	220-57-240	AMD-C	96-05-005	222-21-010	NEW-W	96-03-067
220-49-02000I	NEW-E	96-10-002	220-57-250	AMD-C	96-05-005	222-21-020	NEW-W	96-03-067
220-49-02000I	REP-E	96-10-002	220-57-260	AMD-C	96-05-005	222-21-030	NEW-W	96-03-067
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220-52-04600M	NEW-E	96-03-055	220-57-270	AMD-C	96-05-005	222-24-030	AMD-E	96-03-009
220-52-04600N	NEW-E	96-06-006	220-57-280	AMD-C	96-05-005	222-24-030	AMD-C	96-04-076
220-52-06000A	NEW-E	96-10-046	220-57-285	AMD-C	96-05-005	222-24-030	AMD-C	96-05-090
220-52-07300C	REP-E	96-03-014	220-57-29000S	NEW-E	96-08-045	222-24-030	AMD-S	96-09-099
220-52-07300D	NEW-E	96-03-014	220-57-300	AMD-C	96-05-005	222-30-050	AMD-E	96-03-009
220-52-07300D	REP-E	96-03-014	220-57-310	AMD-C	96-05-005	222-30-050	AMD-C	96-04-076
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220-52-07300E	REP-E	96-04-038	220-57-31500B	NEW-E	96-08-045	222-30-050	AMD-S	96-09-099
220-52-07300F	NEW-E	96-05-019	220-57-319	AMD-C	96-05-005	222-30-060	AMD-E	96-03-009
220-52-07300F	REP-E	96-05-019	220-57-31900K	NEW-E	96-08-045	222-30-060	AMD-C	96-04-076
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222-30-065	NEW-E	96-03-009	230-20-105	NEW-P	96-07-072	232-28-215	REP	96-04-027
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222-30-070	AMD-E	96-03-009	230-20-115	NEW-P	96-03-079	232-28-241	AMD	96-04-027
222-30-070	AMD-C	96-04-076	230-20-115	NEW	96-07-078	232-28-241	AMD-P	96-06-068
222-30-070	AMD-C	96-05-090	230-20-230	AMD-P	96-03-079	232-28-242	AMD	96-04-027
222-30-070	AMD-S	96-09-099	230-20-230	AMD	96-07-078	232-28-246	AMD	96-04-027
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222-30-100	AMD-E	96-03-009	230-20-242	AMD-P	96-07-072	232-28-250	AMD-P	96-06-069
222-30-100	AMD-C	96-04-076	230-20-246	AMD-P	96-07-072	232-28-251	AMD-P	96-06-070
222-30-100	AMD-C	96-05-090	230-20-325	AMD-P	96-03-076	232-28-252	AMD-P	96-06-071
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222-38-020	AMD-W	96-03-067	230-20-335	AMD	96-07-077	232-28-256	AMD-P	96-06-074
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222-38-030	AMD-W	96-03-067	230-20-510	NEW	96-07-076	232-28-260	NEW	96-04-027
223-08-080	AMD-P	96-09-057	230-25-040	AMD-P	96-03-076	232-28-261	NEW-P	96-06-075
230-08-150	REP-P	96-09-057	230-25-040	AMD	96-07-077	232-28-262	NEW-P	96-06-076
230-08-155	REP-P	96-09-057	230-25-220	AMD-P	96-03-076	232-28-404	REP	96-04-027
223-08-257	AMD-P	96-09-057	230-25-220	AMD	96-07-077	232-28-407	REP	96-04-027
230-02-035	AMD-P	96-10-050	230-25-330	AMD-P	96-05-042	232-28-419	REP-P	96-06-077
230-02-137	NEW-P	96-03-077	230-25-330	AMD	96-09-071	232-28-60101	REP	96-04-027
230-02-137	NEW	96-07-075	230-30-097	AMD-P	96-10-049	232-28-60102	REP	96-04-027
230-02-162	NEW-P	96-03-077	230-40-010	AMD-P	96-07-073	232-28-604	REP	96-04-027
230-02-162	NEW	96-07-075	230-40-030	AMD-P	96-03-081	232-28-60415	REP	96-04-027
230-02-278	AMD-P	96-03-077	230-40-055	AMD-P	96-03-080	232-28-605	REP	96-04-027
230-02-278	AMD	96-07-075	230-46-100	AMD-P	96-07-073	232-28-60508	REP	96-04-027
230-02-279	NEW-P	96-03-077	230-50-560	AMD-P	96-03-078	232-28-61610	REP	96-04-027
230-02-279	NEW	96-07-075	230-50-560	AMD	96-09-072	232-28-619	AMD-C	96-05-044
230-02-511	AMD-P	96-03-080	230-50-562	NEW-P	96-03-078	232-28-61900K	NEW-E	96-03-053
230-02-511	AMD	96-07-076	230-50-562	NEW	96-09-072	232-28-61900K	REP-E	96-03-053
230-04-024	AMD-P	96-03-077	230-50-800	AMD-P	96-10-050	232-28-61900L	NEW-E	96-03-054
230-04-024	AMD	96-07-075	232-12-001	AMD-C	96-05-044	232-28-61900L	REP-E	96-03-054
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230-04-040	AMD	96-07-075	232-12-025	AMD-P	96-06-062	232-28-61900M	REP-E	96-04-043
230-04-064	AMD-P	96-03-077	232-12-025	AMD-W	96-09-003	232-28-61900P	NEW-E	96-06-007
230-04-064	AMD	96-07-075	232-12-026	NEW-P	96-06-062	232-28-61900P	REP-E	96-06-007
230-04-120	AMD-P	96-05-042	232-12-026	NEW-W	96-09-003	232-28-61900Q	NEW-E	96-10-070
230-04-120	AMD	96-09-071	232-12-131	AMD	96-04-027	232-28-61900Q	REP-E	96-10-070
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230-04-204	AMD-P	96-05-043	232-12-168	AMD-C	96-05-044	236-12-015	AMD-P	96-10-019
230-04-204	AMD	96-09-070	232-12-168	AMD-P	96-06-063	236-12-351	AMD-E	96-09-006
230-08-080	AMD-W	96-03-068	232-12-16800A	NEW-E	96-10-070	236-12-351	AMD-P	96-10-019
230-08-080	AMD-P	96-07-072	232-12-16800A	REP-E	96-10-070	236-12-360	AMD-E	96-09-006
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230-08-095	AMD	96-07-075	232-12-61900B	NEW-E	96-10-070	236-12-361	AMD-P	96-10-019
230-08-105	AMD-P	96-07-072	232-12-61900B	REP-E	96-10-070	236-12-362	REP-E	96-09-006
230-08-122	AMD-P	96-03-077	232-12-827	REP	96-04-027	236-12-362	REP-P	96-10-019
230-08-122	AMD	96-07-075	232-12-828	NEW	96-03-084	236-12-370	AMD-E	96-09-006
230-08-255	AMD-P	96-03-077	232-12-829	REP-E	96-03-083	236-12-370	AMD-P	96-10-019
230-08-255	AMD	96-07-075	232-12-829	REP	96-03-084	236-12-371	AMD-E	96-09-006
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230-12-020	AMD-S	96-05-041	232-12-831	REP	96-04-027	245-02-040	PREP	96-04-059
230-12-020	AMD	96-09-073	232-16-080	AMD-P	96-06-066	245-02-040	AMD-P	96-08-090
230-12-076	NEW-P	96-03-077	232-16-410	REP-P	96-06-067	246-10	PREP	96-06-048
230-12-076	NEW	96-07-075	232-24-120	REP	96-04-027	246-11	PREP	96-06-048
230-20-050	AMD-P	96-03-079	232-28-02203	AMD	96-04-027	246-50-001	AMD-P	96-04-082
230-20-050	AMD	96-07-078	232-28-02204	AMD	96-04-027	246-50-001	AMD	96-09-042
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230-20-052	NEW	96-07-078	232-28-02210	AMD	96-04-027	246-50-010	AMD	96-09-042
230-20-055	AMD-P	96-03-080	232-28-02220	AMD	96-04-027	246-100-042	AMD-P	96-04-078
230-20-055	AMD	96-07-076	232-28-02240	AMD	96-04-027	246-100-166	AMD	96-04-079
230-20-064	AMD-P	96-03-077	232-28-02250	AMD	96-04-027	246-100-218	NEW-P	96-04-077
230-20-064	AMD	96-05-011	232-28-02270	AMD	96-04-027	246-100-218	NEW	96-08-028
230-20-064	AMD	96-07-075	232-28-02280	AMD	96-04-027	246-254-053	AMD-P	96-07-103
230-20-101	AMD-P	96-07-072	232-28-02290	AMD	96-04-027	246-254-070	AMD-P	96-07-103
230-20-103	AMD-P	96-03-079	232-28-206	REP	96-04-027	246-254-080	AMD-P	96-07-103
230-20-103	AMD	96-07-078	232-28-209	REP	96-04-027	246-254-090	AMD-P	96-07-103

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246-310	PREP	96-05-059	246-807-396	REP-P	96-10-006	246-808-650	NEW-P	96-10-006
246-316-990	AMD-P	96-09-084	246-807-400	REP-P	96-10-006	246-808-655	NEW-P	96-10-006
246-318	PREP	96-07-011	246-807-410	REP-P	96-10-006	246-808-660	NEW-P	96-10-006
246-327-990	AMD-P	96-09-082	246-807-420	REP-P	96-10-006	246-808-670	NEW-P	96-10-006
246-331-990	AMD-P	96-09-081	246-807-430	REP-P	96-10-006	246-808-680	NEW-P	96-10-006
246-336-990	AMD-P	96-09-083	246-807-440	REP-P	96-10-006	246-808-685	NEW-P	96-10-006
246-338-990	AMD-P	96-09-043	246-807-450	REP-P	96-10-006	246-808-690	NEW-P	96-10-006
246-430-030	AMD-P	96-04-081	246-807-460	REP-P	96-10-006	246-808-695	NEW-P	96-10-006
246-800	PREP-W	96-09-018	246-807-470	REP-P	96-10-006	246-808-700	NEW-P	96-10-006
246-806-010	REP-P	96-10-006	246-807-480	REP-P	96-10-006	246-808-710	NEW-P	96-10-006
246-806-020	REP-P	96-10-006	246-807-500	REP-P	96-10-006	246-808-720	NEW-P	96-10-006
246-806-030	REP-P	96-10-006	246-807-510	REP-P	96-10-006	246-808-801	NEW-P	96-10-006
246-806-040	REP-P	96-10-006	246-807-520	REP-P	96-10-006	246-808-810	NEW-P	96-10-006
246-806-060	REP-P	96-10-006	246-807-530	REP-P	96-10-006	246-808-820	NEW-P	96-10-006
246-806-070	REP-P	96-10-006	246-808-001	NEW-P	96-10-006	246-808-830	NEW-P	96-10-006
246-806-075	REP-P	96-10-006	246-808-010	NEW-P	96-10-006	246-808-990	NEW-P	96-10-006
246-806-080	REP-P	96-10-006	246-808-015	NEW-P	96-10-006	246-810-990	AMD	96-08-069
246-806-085	REP-P	96-10-006	246-808-020	NEW-P	96-10-006	246-838-010	PREP-W	96-06-028
246-806-090	REP-P	96-10-006	246-808-030	NEW-P	96-10-006	246-838-130	PREP-W	96-06-028
246-806-100	REP-P	96-10-006	246-808-040	NEW-P	96-10-006	246-839-120	PREP-W	96-06-028
246-806-110	REP-P	96-10-006	246-808-101	NEW-P	96-10-006	246-840-910	NEW	96-05-060
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246-806-170	REP-P	96-10-006	246-808-130	NEW-P	96-10-006	246-840-960	NEW	96-05-060
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246-806-190	REP-P	96-10-006	246-808-140	NEW-P	96-10-006	246-840-980	NEW	96-05-060
246-806-990	REP-P	96-10-006	246-808-150	NEW-P	96-10-006	246-841-405	NEW	96-06-029
246-807-020	REP-P	96-10-006	246-808-155	NEW-P	96-10-006	246-841-990	AMD	96-03-051
246-807-030	REP-P	96-10-006	246-808-160	NEW-P	96-10-006	246-861-040	AMD-P	96-04-080
246-807-040	REP-P	96-10-006	246-808-165	NEW-P	96-10-006	246-869-240	REP	96-03-016
246-807-050	REP-P	96-10-006	246-808-170	NEW-P	96-10-006	246-883-020	PREP	96-03-012
246-807-060	REP-P	96-10-006	246-808-180	NEW-P	96-10-006	246-885-030	NEW-P	96-03-134
246-807-070	REP-P	96-10-006	246-808-185	NEW-P	96-10-006	246-885-030	NEW	96-07-012
246-807-080	REP-P	96-10-006	246-808-190	NEW-P	96-10-006	246-887-170	PREP	96-10-038
246-807-090	REP-P	96-10-006	246-808-201	NEW-P	96-10-006	246-915-030	AMD-E	96-03-050
246-807-100	REP-P	96-10-006	246-808-215	NEW-P	96-10-006	246-915-030	AMD-P	96-08-068
246-807-110	REP-P	96-10-006	246-808-301	NEW-P	96-10-006	246-917-020	REP	96-03-073
246-807-115	REP-P	96-10-006	246-808-320	NEW-P	96-10-006	246-917-025	REP	96-03-073
246-807-120	REP-P	96-10-006	246-808-330	NEW-P	96-10-006	246-917-026	REP	96-03-073
246-807-125	REP-P	96-10-006	246-808-340	NEW-P	96-10-006	246-917-030	REP	96-03-073
246-807-130	REP-P	96-10-006	246-808-350	NEW-P	96-10-006	246-917-040	REP	96-03-073
246-807-135	REP-P	96-10-006	246-808-360	NEW-P	96-10-006	246-917-050	REP	96-03-073
246-807-140	REP-P	96-10-006	246-808-370	NEW-P	96-10-006	246-917-060	REP	96-03-073
246-807-150	REP-P	96-10-006	246-808-380	NEW-P	96-10-006	246-917-070	REP	96-03-073
246-807-160	REP-P	96-10-006	246-808-390	NEW-P	96-10-006	246-917-080	REP	96-03-073
246-807-171	REP-P	96-10-006	246-808-400	NEW-P	96-10-006	246-917-090	REP	96-03-073
246-807-173	REP-P	96-10-006	246-808-410	NEW-P	96-10-006	246-917-100	REP	96-03-073
246-807-180	REP-P	96-10-006	246-808-505	NEW-P	96-10-006	246-917-110	REP	96-03-073
246-807-190	REP-P	96-10-006	246-808-510	NEW-P	96-10-006	246-917-120	REP	96-03-073
246-807-200	REP-P	96-10-006	246-808-520	NEW-P	96-10-006	246-917-121	REP	96-03-073
246-807-210	REP-P	96-10-006	246-808-525	NEW-P	96-10-006	246-917-125	REP	96-03-073
246-807-220	REP-P	96-10-006	246-808-530	NEW-P	96-10-006	246-917-126	REP	96-03-073
246-807-230	REP-P	96-10-006	246-808-535	NEW-P	96-10-006	246-917-130	REP	96-03-073
246-807-240	REP-P	96-10-006	246-808-540	NEW-P	96-10-006	246-917-135	REP	96-03-073
246-807-250	REP-P	96-10-006	246-808-545	NEW-P	96-10-006	246-917-140	REP	96-03-073
246-807-260	REP-P	96-10-006	246-808-550	NEW-P	96-10-006	246-917-150	REP	96-03-073
246-807-270	REP-P	96-10-006	246-808-560	NEW-P	96-10-006	246-917-160	REP	96-03-073
246-807-280	REP-P	96-10-006	246-808-565	NEW-P	96-10-006	246-917-170	REP	96-03-073
246-807-290	REP-P	96-10-006	246-808-570	NEW-P	96-10-006	246-917-180	REP	96-03-073
246-807-300	REP-P	96-10-006	246-808-575	NEW-P	96-10-006	246-917-190	REP	96-03-073
246-807-310	REP-P	96-10-006	246-808-580	NEW-P	96-10-006	246-917-200	REP	96-03-073
246-807-311	REP-P	96-10-006	246-808-585	NEW-P	96-10-006	246-917-210	REP	96-03-073
246-807-320	REP-P	96-10-006	246-808-590	NEW-P	96-10-006	246-917-220	REP	96-03-073
246-807-330	REP-P	96-10-006	246-808-600	NEW-P	96-10-006	246-917-300	REP	96-03-073
246-807-340	REP-P	96-10-006	246-808-605	NEW-P	96-10-006	246-917-990	REP	96-03-073
246-807-350	REP-P	96-10-006	246-808-610	NEW-P	96-10-006	246-918	AMD	96-03-073
246-807-360	REP-P	96-10-006	246-808-615	NEW-P	96-10-006	246-918-005	AMD	96-03-073
246-807-370	REP-P	96-10-006	246-808-620	NEW-P	96-10-006	246-918-006	AMD	96-03-073
246-807-380	REP-P	96-10-006	246-808-625	NEW-P	96-10-006	246-918-007	AMD	96-03-073
246-807-390	REP-P	96-10-006	246-808-630	NEW-P	96-10-006	246-918-008	AMD	96-03-073

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-918-009	AMD	96-03-073	246-920-120	REP	96-03-073	246-924-500	NEW-P	96-02-086
246-918-030	AMD	96-03-073	246-920-130	REP	96-03-073	246-924-500	NEW	96-08-007
246-918-035	AMD	96-03-073	246-920-140	REP	96-03-073	246-924-990	AMD-P	96-02-085
246-918-050	AMD	96-03-073	246-920-150	REP	96-03-073	246-924-990	AMD	96-08-006
246-918-070	AMD	96-03-073	246-920-160	REP	96-03-073	246-976-010	AMD	96-03-052
246-918-080	AMD	96-03-073	246-920-170	REP	96-03-073	246-976-045	NEW	96-03-052
246-918-085	AMD	96-03-073	246-920-180	REP	96-03-073	246-976-076	PREP	96-06-049
246-918-090	AMD	96-03-073	246-920-190	REP	96-03-073	246-976-077	PREP	96-06-049
246-918-095	AMD	96-03-073	246-920-200	REP	96-03-073	246-976-140	PREP	96-06-049
246-918-110	AMD	96-03-073	246-920-210	REP	96-03-073	246-976-165	NEW	96-03-052
246-918-120	AMD	96-03-073	246-920-220	REP	96-03-073	246-976-181	PREP	96-06-049
246-918-130	AMD	96-03-073	246-920-230	REP	96-03-073	250-20-021	AMD	96-08-019
246-918-140	AMD	96-03-073	246-920-240	REP	96-03-073	250-20-021	PREP	96-07-096
246-918-170	AMD	96-03-073	246-920-250	REP	96-03-073	250-65	PREP	96-07-095
246-918-180	AMD	96-03-073	246-920-260	REP	96-03-073	251-04-050	AMD-P	96-08-088
246-918-250	AMD	96-03-073	246-920-270	REP	96-03-073	251-06-020	AMD-P	96-08-088
246-918-260	AMD	96-03-073	246-920-280	REP	96-03-073	251-10-030	AMD-P	96-10-065
246-918-310	AMD	96-03-073	246-920-290	REP	96-03-073	251-12-099	AMD-P	96-04-053
246-918-990	AMD	96-03-073	246-920-300	REP	96-03-073	251-12-099	AMD-C	96-07-091
246-919-010	NEW	96-03-073	246-920-310	REP	96-03-073	251-12-099	AMD	96-09-055
246-919-020	NEW	96-03-073	246-920-320	REP	96-03-073	251-12-100	AMD-P	96-04-053
246-919-030	NEW	96-03-073	246-920-330	REP	96-03-073	251-12-100	AMD-C	96-07-091
246-919-100	NEW	96-03-073	246-920-340	REP	96-03-073	251-12-100	AMD	96-09-055
246-919-110	NEW	96-03-073	246-920-350	REP	96-03-073	251-12-101	REP-P	96-04-053
246-919-120	NEW	96-03-073	246-920-360	REP	96-03-073	251-12-101	REP-C	96-07-091
246-919-130	NEW	96-03-073	246-920-370	REP	96-03-073	251-12-101	REP	96-09-055
246-919-140	NEW	96-03-073	246-920-380	REP	96-03-073	251-12-102	AMD-P	96-04-053
246-919-150	NEW	96-03-073	246-920-390	REP	96-03-073	251-12-102	AMD-C	96-07-091
246-919-200	NEW	96-03-073	246-920-400	REP	96-03-073	251-12-102	AMD	96-09-055
246-919-210	NEW	96-03-073	246-920-410	REP	96-03-073	251-12-104	NEW-P	96-04-053
246-919-220	NEW	96-03-073	246-920-420	REP	96-03-073	251-12-104	NEW-C	96-07-091
246-919-230	NEW	96-03-073	246-920-430	REP	96-03-073	251-12-104	NEW	96-09-055
246-919-240	NEW	96-03-073	246-920-440	REP	96-03-073	251-12-105	NEW-P	96-04-053
246-919-300	NEW	96-03-073	246-920-450	REP	96-03-073	251-12-105	NEW-C	96-07-091
246-919-305	NEW	96-03-073	246-920-460	REP	96-03-073	251-12-105	NEW	96-09-055
246-919-310	NEW	96-03-073	246-920-470	REP	96-03-073	251-12-106	NEW-P	96-04-053
246-919-320	NEW	96-03-073	246-920-480	REP	96-03-073	251-12-106	NEW-C	96-07-091
246-919-330	NEW	96-03-073	246-920-490	REP	96-03-073	251-12-106	NEW	96-09-055
246-919-340	NEW	96-03-073	246-920-500	REP	96-03-073	251-12-180	AMD-P	96-04-053
246-919-350	NEW	96-03-073	246-920-510	REP	96-03-073	251-12-180	AMD-C	96-07-091
246-919-355	NEW	96-03-073	246-920-520	REP	96-03-073	251-12-180	AMD	96-09-055
246-919-360	NEW	96-03-073	246-920-530	REP	96-03-073	251-12-232	AMD-P	96-04-053
246-919-365	NEW	96-03-073	246-920-540	REP	96-03-073	251-12-232	AMD-C	96-07-091
246-919-370	NEW	96-03-073	246-920-550	REP	96-03-073	251-12-232	AMD	96-09-055
246-919-380	NEW	96-03-073	246-920-560	REP	96-03-073	251-14-110	AMD-P	96-04-053
246-919-390	NEW	96-03-073	246-920-570	REP	96-03-073	251-14-110	AMD-C	96-07-091
246-919-395	NEW	96-03-073	246-920-580	REP	96-03-073	251-14-110	AMD	96-09-055
246-919-400	NEW	96-03-073	246-920-590	REP	96-03-073	251-14-130	NEW-P	96-04-053
246-919-410	NEW	96-03-073	246-920-600	REP	96-03-073	251-14-130	NEW-C	96-07-091
246-919-420	NEW	96-03-073	246-920-610	REP	96-03-073	251-14-130	NEW	96-09-055
246-919-430	NEW	96-03-073	246-920-620	REP	96-03-073	251-17-010	AMD	96-02-072
246-919-440	NEW	96-03-073	246-920-630	REP	96-03-073	251-17-150	AMD-P	96-08-086
246-919-450	NEW	96-03-073	246-920-640	REP	96-03-073	251-17-170	AMD	96-02-072
246-919-460	NEW	96-03-073	246-920-650	REP	96-03-073	251-19-105	REP-W	96-02-069
246-919-470	NEW	96-03-073	246-920-660	REP	96-03-073	251-19-105	AMD-P	96-02-071
246-919-480	NEW	96-03-073	246-920-670	REP	96-03-073	251-19-105	AMD	96-05-026
246-919-500	NEW	96-03-073	246-920-680	REP	96-03-073	251-22-116	AMD-P	96-08-081
246-919-510	NEW	96-03-073	246-920-690	REP	96-03-073	251-22-116	AMD-C	96-09-089
246-919-600	NEW	96-03-073	246-920-710	REP	96-03-073	251-22-167	AMD-P	96-08-081
246-919-610	NEW	96-03-073	246-920-720	REP	96-03-073	251-22-167	AMD-C	96-09-089
246-919-620	NEW	96-03-073	246-920-730	REP	96-03-073	251-22-195	AMD-P	96-08-081
246-919-700	NEW	96-03-073	246-920-740	REP	96-03-073	251-22-195	AMD-C	96-09-089
246-919-710	NEW	96-03-073	246-920-750	REP	96-03-073	251-22-197	REP-P	96-08-081
246-919-720	NEW	96-03-073	246-920-760	REP	96-03-073	251-22-197	REP-C	96-09-089
246-919-730	NEW	96-03-073	246-920-770	REP	96-03-073	251-22-200	AMD-P	96-08-081
246-919-740	NEW	96-03-073	246-920-780	REP	96-03-073	251-22-200	AMD-C	96-09-089
246-919-750	NEW	96-03-073	246-920-890	REP	96-03-073	251-22-250	AMD-P	96-08-084
246-919-760	NEW	96-03-073	246-924-080	AMD-P	96-02-086	251-22-270	AMD-W	96-02-069
246-919-770	NEW	96-03-073	246-924-080	AMD	96-08-007	251-22-270	AMD-P	96-08-084
246-919-990	NEW	96-03-073	246-924-250	AMD-P	96-02-086	251-22-280	AMD-P	96-08-084
246-920-020	REP	96-03-073	246-924-250	AMD	96-08-007	251-22-290	AMD-P	96-08-084
246-920-030	REP	96-03-073	246-924-470	AMD-P	96-02-086	260-12	PREP	96-03-142
246-920-040	REP	96-03-073	246-924-470	AMD	96-08-007	260-20	PREP	96-03-143

TABLE



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
260-60-030	REP-P	96-09-098	260-70-120	REP-P	96-04-067
260-60-040	REP-P	96-09-098	260-70-120	REP	96-10-001
260-60-050	REP-P	96-09-098	260-70-130	REP-P	96-04-067
260-60-060	REP-P	96-09-098	260-70-130	REP	96-10-001
260-60-070	REP-P	96-09-098	260-70-140	REP-P	96-04-067
260-60-080	REP-P	96-09-098	260-70-140	REP	96-10-001
260-60-090	REP-P	96-09-098	260-70-150	REP-P	96-04-067
260-60-100	REP-P	96-09-098	260-70-150	REP	96-10-001
260-60-110	REP-P	96-09-098	260-70-160	REP-P	96-04-067
260-60-115	REP-P	96-09-098	260-70-160	REP	96-10-001
260-60-120	REP-P	96-09-098	260-70-170	REP-P	96-04-067
260-60-130	REP-P	96-09-098	260-70-170	REP	96-10-001
260-60-140	REP-P	96-09-098	260-70-180	REP-P	96-04-067
260-60-150	REP-P	96-09-098	260-70-180	REP	96-10-001
260-60-160	REP-P	96-09-098	260-70-190	REP-P	96-04-067
260-60-170	REP-P	96-09-098	260-70-190	REP	96-10-001
260-60-180	REP-P	96-09-098	260-70-200	REP-P	96-04-067
260-60-190	REP-P	96-09-098	260-70-200	REP	96-10-001
260-60-200	REP-P	96-09-098	260-70-210	REP-P	96-04-067
260-60-210	REP-P	96-09-098	260-70-210	REP	96-10-001
260-60-230	REP-P	96-09-098	260-70-220	REP-P	96-04-067
260-60-300	NEW-P	96-09-098	260-70-220	REP	96-10-001
260-60-310	NEW-P	96-09-098	260-70-230	REP-P	96-04-067
260-60-320	NEW-P	96-09-098	260-70-230	REP	96-10-001
260-60-330	NEW-P	96-09-098	260-70-240	REP-P	96-04-067
260-60-340	NEW-P	96-09-098	260-70-240	REP	96-10-001
260-60-350	NEW-P	96-09-098	260-70-250	REP-P	96-04-067
260-60-360	NEW-P	96-09-098	260-70-250	REP	96-10-001
260-60-370	NEW-P	96-09-098	260-70-260	REP-P	96-04-067
260-60-380	NEW-P	96-09-098	260-70-260	REP	96-10-001
260-60-390	NEW-P	96-09-098	260-70-270	REP-P	96-04-067
260-60-400	NEW-P	96-09-098	260-70-270	REP	96-10-001
260-60-410	NEW-P	96-09-098	260-70-280	REP-P	96-04-067
260-60-420	NEW-P	96-09-098	260-70-280	REP	96-10-001
260-60-430	NEW-P	96-09-098	260-70-290	REP-P	96-04-067
260-60-440	NEW-P	96-09-098	260-70-290	REP	96-10-001
260-60-450	NEW-P	96-09-098	260-70-300	REP-P	96-04-067
260-60-460	NEW-P	96-09-098	260-70-300	REP	96-10-001
260-60-470	NEW-P	96-09-098	260-70-500	NEW-P	96-04-067
260-70-010	REP-P	96-04-067	260-70-500	NEW	96-10-001
260-70-010	REP	96-10-001	260-70-510	NEW-P	96-04-067
260-70-021	REP-P	96-04-067	260-70-510	NEW	96-10-001
260-70-021	REP	96-10-001	260-70-520	NEW-P	96-04-067
260-70-025	REP-P	96-04-067	260-70-520	NEW	96-10-001
260-70-025	REP	96-10-001	260-70-530	NEW-P	96-04-067
260-70-026	REP-P	96-04-067	260-70-530	NEW	96-10-001
260-70-026	REP	96-10-001	260-70-540	NEW-P	96-04-067
260-70-027	REP-P	96-04-067	260-70-540	NEW	96-10-001
260-70-027	REP	96-10-001	260-70-550	NEW-P	96-04-067
260-70-028	REP-P	96-04-067	260-70-550	NEW	96-10-001
260-70-028	REP	96-10-001	260-70-560	NEW-P	96-04-067
260-70-029	REP-P	96-04-067	260-70-560	NEW	96-10-001
260-70-029	REP	96-10-001	260-70-570	NEW-P	96-04-067
260-70-031	REP-P	96-04-067	260-70-570	NEW	96-10-001
260-70-031	REP	96-10-001	260-70-580	NEW-P	96-04-067
260-70-032	REP-P	96-04-067	260-70-580	NEW	96-10-001
260-70-032	REP	96-10-001	260-70-590	NEW-P	96-04-067
260-70-040	REP-P	96-04-067	260-70-590	NEW	96-10-001
260-70-040	REP	96-10-001	260-70-600	NEW-P	96-04-067
260-70-050	REP-P	96-04-067	260-70-600	NEW	96-10-001
260-70-050	REP	96-10-001	260-70-610	NEW-P	96-04-067
260-70-060	REP-P	96-04-067	260-70-610	NEW	96-10-001
260-70-060	REP	96-10-001	260-70-620	NEW-P	96-04-067
260-70-070	REP-P	96-04-067	260-70-620	NEW	96-10-001
260-70-070	REP	96-10-001	260-70-630	NEW-P	96-04-067
260-70-080	REP-P	96-04-067	260-70-630	NEW	96-10-001
260-70-080	REP	96-10-001	260-70-640	NEW-P	96-04-067
260-70-090	REP-P	96-04-067	260-70-640	NEW	96-10-001
260-70-090	REP	96-10-001	260-70-650	NEW-P	96-04-067
260-70-100	REP-P	96-04-067	260-70-650	NEW	96-10-001
260-70-100	REP	96-10-001	260-70-660	NEW-P	96-04-067
260-70-110	REP-P	96-04-067	260-70-660	NEW	96-10-001
260-70-110	REP	96-10-001	260-70-670	NEW-P	96-04-067
260-70-670	NEW	96-10-001	260-70-680	NEW-P	96-04-067
260-70-680	NEW-P	96-04-067	260-70-680	NEW	96-10-001
260-70-690	NEW-P	96-04-067	260-70-690	NEW-P	96-04-067
260-70-700	NEW-P	96-04-067	260-70-700	NEW	96-10-001
260-70-710	NEW-P	96-04-067	260-70-710	NEW-P	96-04-067
260-70-720	NEW-P	96-04-067	260-70-720	NEW	96-10-001
260-70-730	NEW-P	96-04-067	260-70-730	NEW-P	96-04-067
275-26-010	AMD-P	96-07-090	275-26-010	AMD	96-10-076
275-26-010	AMD	96-10-076	275-26-074	NEW-P	96-07-090
275-26-074	NEW	96-10-076	275-26-076	NEW-P	96-07-090
275-26-076	NEW-P	96-07-090	275-26-076	NEW	96-10-076
275-26-077	NEW-P	96-07-090	275-26-077	NEW	96-10-076
275-30-020	PREP	96-10-058	275-30-020	PREP	96-10-058
284-02	AMD-C	96-09-002	284-02	AMD-C	96-09-002
284-02-010	AMD-P	96-04-087	284-02-010	AMD	96-09-038
284-02-010	AMD	96-09-038	284-02-020	AMD-P	96-04-087
284-02-020	AMD-P	96-04-087	284-02-020	AMD	96-09-038
284-02-030	AMD	96-09-038	284-02-030	AMD-P	96-04-087
284-02-030	AMD-P	96-04-087	284-02-030	AMD	96-09-038
284-02-040	AMD-P	96-04-087	284-02-040	AMD-P	96-04-087
284-02-040	AMD	96-09-038	284-02-040	AMD	96-09-038
284-02-050	AMD-P	96-04-087	284-02-050	AMD-P	96-04-087
284-02-050	AMD	96-09-038	284-02-060	AMD-P	96-04-087
284-02-060	AMD-P	96-04-087	284-02-060	AMD	96-09-038
284-02-070	AMD-P	96-04-087	284-02-070	AMD-P	96-04-087
284-02-070	AMD	96-09-038	284-02-070	AMD	96-09-038
284-02-080	AMD-P	96-04-087	284-02-080	AMD-P	96-04-087
284-02-080	AMD	96-09-038	284-02-100	AMD-P	96-04-087
284-02-100	AMD-P	96-04-087	284-02-100	AMD	96-09-038
284-02-100	AMD	96-09-038	284-07	AMD-C	96-08-017
284-07	AMD-C	96-08-017	284-07	AMD-C	96-09-046
284-07-050	AMD-P	96-05-091	284-07-050	AMD-P	96-05-091
284-07-070	AMD-P	96-05-091	284-07-070	AMD-P	96-05-091
284-10-140	NEW-C	96-03-033	284-10-140	NEW-C	96-03-033
284-10-140	NEW-C	96-03-075	284-10-140	NEW-C	96-03-075
284-10-140	NEW	96-04-060	284-10-140	NEW	96-04-060
284-44-140	AMD-P	96-07-081	284-44-140	AMD-P	96-07-081
284-44-345	REP-P	96-05-091	284-44-345	REP-P	96-05-091
284-44-345	REP-C	96-08-017	284-44-345	REP-C	96-08-017
284-44-345	REP-C	96-09-046	284-46-025	NEW-P	96-07-081
284-46-025	NEW-P	96-07-081	284-46-060	REP-P	96-05-091
284-46-060	REP-P	96-05-091	284-46-060	REP-C	96-08-017
284-46-060	REP-C	96-09-046	284-46-060	REP-C	96-09-046
284-54-170	NEW-W	96-04-018	284-54-170	NEW-W	96-04-018
284-58-030	AMD-P	96-07-081	284-58-030	AMD-P	96-07-081
284-58-250	AMD-P	96-07-081	284-58-250	AMD-P	96-07-081
284-66	AMD-C	96-08-016	284-66	AMD-C	96-08-016
284-66-020	AMD-P	96-04-086	284-66-020	AMD-P	96-04-086
284-66-020	AMD	96-09-047	284-66-020	AMD	96-09-047
284-66-063	AMD-P	96-04-086	284-66-063	AMD-P	96-04-086
284-66-063	AMD	96-09-047	284-66-063	AMD	96-09-047
284-66-077	AMD-P	96-04-086	284-66-077	AMD-P	96-04-086
284-66-077	AMD	96-09-047	284-66-110	AMD-P	96-04-086
284-66-110	AMD-P	96-04-086	284-66-110	AMD	96-09-047
284-66-120	AMD-P	96-04-086	284-66-120	AMD-P	96-04-086
284-66-120	AMD	96-09-047	284-66-120	AMD	96-09-047
284-66-130	AMD-P	96-04-086	284-66-130	AMD-P	96-04-086
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284-66-142	AMD	96-09-047	286-30-030	AMD-P	96-04-054	292-100-030	NEW-E	96-03-072
284-66-203	AMD-P	96-04-086	286-30-030	AMD	96-08-044	292-100-040	NEW-E	96-03-072
284-66-203	AMD	96-09-047	286-35	AMD-P	96-04-054	292-100-050	NEW-E	96-03-072
286-04-010	AMD-P	96-04-054	286-35	AMD	96-08-044	292-100-060	NEW-E	96-03-072
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286-04-030	AMD	96-08-044	286-35-030	AMD-P	96-04-054	292-100-090	NEW-E	96-03-072
286-04-060	AMD-P	96-04-054	286-35-030	AMD	96-08-044	292-100-100	NEW-E	96-03-072
286-04-060	AMD	96-08-044	286-35-040	AMD-P	96-04-054	292-100-110	NEW-E	96-03-072
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286-04-070	AMD	96-08-044	286-35-050	REP-P	96-04-054	296-17	PREP	96-09-100
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286-04-090	AMD-P	96-04-054	286-35-060	AMD	96-08-044	296-17-440	AMD-P	96-05-064
286-04-090	AMD	96-08-044	286-35-070	REP-P	96-04-054	296-17-440	AMD-P	96-05-065
286-13-010	AMD-P	96-04-054	286-35-070	REP	96-08-044	296-17-45003	AMD-P	96-05-064
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286-13-020	AMD-P	96-04-054	286-40-010	AMD	96-08-044	296-17-501	AMD-P	96-05-064
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286-13-030	AMD-P	96-04-054	286-40-020	AMD	96-08-044	296-17-502	REP-P	96-05-064
286-13-030	AMD	96-08-044	286-40-020	AMD	96-08-044	296-17-502	REP-P	96-05-065
286-13-040	AMD-P	96-04-054	286-40-030	AMD-P	96-04-054	296-17-502	REP-P	96-05-065
286-13-040	AMD	96-08-044	286-40-030	AMD	96-08-044	296-17-503	AMD-P	96-05-064
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286-26-020	AMD	96-08-044	292-06-210	NEW-P	96-04-083	296-17-50917	NEW-P	96-05-064
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286-26-080	AMD	96-08-044	292-06-250	NEW-P	96-04-083	296-17-511	AMD-P	96-05-064
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286-26-100	AMD	96-08-044	292-06-280	NEW-P	96-04-083	296-17-51101	NEW-P	96-05-064
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286-27-010	AMD	96-08-044	292-08-040	REP-P	96-05-006	296-17-513	AMD-P	96-05-064
286-27-030	REP-P	96-04-054	292-08-050	REP-P	96-05-006	296-17-51301	NEW-P	96-05-065
286-27-030	REP	96-08-044	292-12-010	REP-P	96-05-006	296-17-51301	NEW-P	96-05-064
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286-27-065	NEW	96-08-044	292-12-090	REP-P	96-05-006	296-17-52103	AMD-P	96-05-065
286-27-070	REP-P	96-04-054	292-12-110	REP-P	96-05-006	296-17-52104	AMD-P	96-05-064
286-27-070	REP	96-08-044	292-12-120	REP-P	96-05-006	296-17-52104	AMD-P	96-05-065
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286-27-075	NEW	96-08-044	292-12-140	REP-P	96-05-006	296-17-52107	AMD-P	96-05-065
286-27-080	REP-P	96-04-054	292-12-150	REP-P	96-05-006	296-17-52110	AMD-P	96-05-064
286-27-080	REP	96-08-044	292-12-160	REP-P	96-05-006	296-17-52110	AMD-P	96-05-065
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296-17-719	AMD-P	96-05-065	296-54-505	AMD-P	96-09-101	296-78-800	AMD-P	96-10-085
296-17-723	AMD-P	96-05-064	296-54-507	AMD-P	96-09-101	296-78-835	AMD-P	96-10-085
296-17-723	AMD-P	96-05-065	296-54-511	AMD-P	96-09-101	296-78-84005	AMD-P	96-10-085
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296-17-727	AMD-P	96-05-065	296-54-515	AMD-P	96-09-101	296-104-025	PREP	96-09-086
296-17-741	AMD-P	96-05-064	296-54-519	AMD-P	96-09-101	296-104-065	PREP	96-09-086
296-17-741	AMD-P	96-05-065	296-54-521	AMD-P	96-09-101	296-104-102	PREP	96-09-086
296-17-742	AMD-P	96-05-064	296-54-523	AMD-P	96-09-101	296-104-170	PREP	96-09-086
296-17-742	AMD-P	96-05-065	296-54-529	AMD-P	96-09-101	296-104-205	PREP	96-09-086
296-17-746	AMD-P	96-05-064	296-54-531	AMD-P	96-09-101	296-104-210	PREP	96-09-086
296-17-746	AMD-P	96-05-065	296-54-535	AMD-P	96-09-101	296-104-215	PREP	96-09-086
296-17-747	AMD-P	96-05-064	296-54-537	AMD-P	96-09-101	296-104-220	PREP	96-09-086
296-17-747	AMD-P	96-05-065	296-54-539	AMD-P	96-09-101	296-104-230	PREP	96-09-086
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296-17-753	AMD-P	96-05-065	296-54-553	AMD-P	96-09-101	296-104-240	PREP	96-09-086
296-17-756	AMD-P	96-05-064	296-54-555	AMD-P	96-09-101	296-104-245	PREP	96-09-086
296-17-756	AMD-P	96-05-065	296-54-557	AMD-P	96-09-101	296-104-255	PREP	96-09-086
296-17-76207	AMD-P	96-05-064	296-54-559	AMD-P	96-09-101	296-104-256	PREP	96-09-086
296-17-76207	AMD-P	96-05-065	296-54-561	AMD-P	96-09-101	296-104-260	PREP	96-09-086
296-17-76209	AMD-P	96-05-064	296-54-565	AMD-P	96-09-101	296-104-273	PREP	96-09-086
296-17-76209	AMD-P	96-05-065	296-54-567	AMD-P	96-09-101	296-116-185	PREP	96-05-054
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296-24-092	AMD	96-09-030	296-78-635	AMD-P	96-10-085	296-305-02501	NEW-C	96-03-026
296-24-23533	AMD-P	96-03-024	296-78-650	AMD-P	96-10-085	296-305-030	AMD-C	96-03-026
296-24-23533	AMD	96-09-030	296-78-660	AMD-P	96-10-085	296-305-03001	NEW-C	96-03-026
296-27	PREP	96-06-033	296-78-665	AMD-P	96-10-085	296-305-035	AMD-C	96-03-026
296-27-15503	AMD-P	96-10-085	296-78-690	AMD-P	96-10-085	296-305-040	AMD-C	96-03-026
296-27-16001	AMD-P	96-10-085	296-78-70503	AMD-P	96-10-085	296-305-04001	NEW-C	96-03-026
296-45	PREP	96-05-075	296-78-71003	AMD-P	96-10-085	296-305-045	AMD-C	96-03-026
296-45-60013	NEW-P	96-09-101	296-78-71015	AMD-P	96-10-085	296-305-04501	NEW-C	96-03-026
296-54	PREP	96-05-075	296-78-71017	AMD-P	96-10-085	296-305-04503	NEW-C	96-03-026

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296-305-04505	NEW-C	96-03-026	304-25-540	REP	96-04-045	308-128D-020	DECOD	96-05-018
296-305-04507	NEW-C	96-03-026	304-25-550	REP	96-04-045	308-128D-030	DECOD	96-05-018
296-305-04509	NEW-C	96-03-026	304-25-555	REP	96-04-045	308-128D-040	DECOD	96-05-018
296-305-04511	NEW-C	96-03-026	304-25-560	REP	96-04-045	308-128D-050	DECOD	96-05-018
296-305-05001	NEW-C	96-03-026	304-25-570	REP	96-04-045	308-128D-060	DECOD	96-05-018
296-305-05003	NEW-C	96-03-026	304-25-580	REP	96-04-045	308-128D-070	DECOD	96-05-018
296-305-05005	NEW-C	96-03-026	304-25-590	REP	96-04-045	308-128D-080	DECOD	96-05-018
296-305-05007	NEW-C	96-03-026	308-10-010	AMD	96-05-036	308-128E	PREP	96-06-084
296-305-05009	NEW-C	96-03-026	308-10-020	AMD	96-05-036	308-128E-011	DECOD	96-05-018
296-305-05011	NEW-C	96-03-026	308-10-025	AMD	96-05-036	308-128F	PREP	96-06-084
296-305-05013	NEW-C	96-03-026	308-10-030	AMD	96-05-036	308-128F-010	DECOD	96-05-018
296-305-05501	NEW-C	96-03-026	308-10-040	AMD	96-05-036	308-128F-020	DECOD	96-05-018
296-305-05503	NEW-C	96-03-026	308-10-045	AMD	96-05-036	308-128F-040	DECOD	96-05-018
296-305-060	AMD-C	96-03-026	308-10-067	AMD	96-05-036	308-128F-050	DECOD	96-05-018
296-305-06001	AMD-C	96-03-026	308-13-005	AMD-P	96-04-009	308-128F-060	DECOD	96-05-018
296-305-06003	AMD-C	96-03-026	308-13-005	AMD-C	96-04-040	308-128F-070	DECOD	96-05-018
296-305-06005	AMD-C	96-03-026	308-13-005	AMD	96-10-013	308-128F-070	NEW-W	96-08-057
296-305-06007	AMD-C	96-03-026	308-13-015	AMD-P	96-04-009	308-129-011	NEW-E	96-09-056
296-305-06009	AMD-C	96-03-026	308-13-015	AMD-C	96-04-040	308-129-020	NEW-W	96-08-057
296-305-06011	AMD-C	96-03-026	308-13-015	AMD	96-10-013	308-129-021	NEW-E	96-09-056
296-305-063	AMD-C	96-03-026	308-13-024	AMD-P	96-04-009	308-129-021	NEW-W	96-08-057
296-305-064	AMD-C	96-03-026	308-13-024	AMD-C	96-04-040	308-129-031	NEW-E	96-09-056
296-305-065	AMD-C	96-03-026	308-13-024	AMD	96-10-013	308-129-100	NEW-W	96-08-057
296-305-06501	AMD-C	96-03-026	308-13-050	AMD-P	96-04-009	308-129-101	NEW-E	96-09-056
296-305-06503	AMD-C	96-03-026	308-13-050	AMD-C	96-04-040	308-129-110	NEW-W	96-08-057
296-305-06505	AMD-C	96-03-026	308-13-050	AMD	96-10-013	308-129-111	NEW-E	96-09-056
296-305-06507	AMD-C	96-03-026	308-13-110	REP-P	96-04-009	308-129-120	NEW-W	96-08-057
296-305-06509	AMD-C	96-03-026	308-13-110	REP-C	96-04-040	308-129-130	NEW-W	96-08-057
296-305-06511	AMD-C	96-03-026	308-13-110	REP	96-10-013	308-129-200	NEW-W	96-08-057
296-305-06513	AMD-C	96-03-026	308-13-150	PREP	96-04-007	308-129-210	NEW-W	96-08-057
296-305-06515	AMD-C	96-03-026	308-13-150	AMD-P	96-08-005	308-129-220	NEW-W	96-08-057
296-305-06517	AMD-C	96-03-026	308-56A-030	AMD	96-04-004	308-129-230	NEW-W	96-08-057
296-305-06519	NEW-C	96-03-026	308-56A-090	AMD	96-03-047	308-129-240	NEW-W	96-08-057
296-305-070	AMD-C	96-03-026	308-56A-210	AMD	96-03-047	308-129-300	NEW-W	96-08-057
296-305-07001	AMD-C	96-03-026	308-93-010	AMD-P	96-07-030	308-129-310	NEW-W	96-08-057
296-305-07003	AMD-C	96-03-026	308-93-050	AMD-P	96-07-030	308-330-300	AMD-P	96-10-039
296-305-07005	AMD-C	96-03-026	308-93-070	AMD	96-04-004	308-330-305	AMD-P	96-10-039
296-305-07007	AMD-C	96-03-026	308-93-088	AMD	96-03-046	308-330-307	AMD-P	96-10-039
296-305-07009	AMD-C	96-03-026	308-93-174	REP-P	96-09-041	308-330-316	AMD-P	96-10-039
296-305-07011	NEW-C	96-03-026	308-93-440	AMD	96-03-046	308-330-400	AMD-P	96-10-039
296-305-07013	NEW-C	96-03-026	308-93-670	AMD	96-03-046	314-12-020	AMD	96-03-004
296-305-07015	NEW-C	96-03-026	308-93-700	NEW-P	96-07-030	314-12-025	AMD	96-03-004
296-305-07017	NEW-C	96-03-026	308-93-710	NEW-P	96-07-030	314-12-035	AMD	96-03-004
296-305-07019	NEW-C	96-03-026	308-93-720	NEW-P	96-07-030	314-12-070	AMD	96-03-004
296-305-075	AMD-C	96-03-026	308-93-730	NEW-P	96-07-030	314-12-080	AMD	96-03-004
296-305-080	AMD-C	96-03-026	308-93-740	NEW-P	96-07-030	314-14-010	NEW	96-03-074
296-305-08000	NEW-C	96-03-026	308-93-750	NEW-P	96-07-030	314-14-020	NEW	96-03-074
296-305-085	AMD-C	96-03-026	308-93-760	NEW-P	96-07-030	314-14-030	NEW	96-03-074
296-305-090	AMD-C	96-03-026	308-93-770	NEW-P	96-07-030	314-14-040	NEW	96-03-074
296-305-095	AMD-C	96-03-026	308-94-030	AMD	96-04-004	314-14-050	NEW	96-03-074
296-305-100	AMD-C	96-03-026	308-94-035	REP-P	96-09-039	314-14-060	NEW	96-03-074
296-305-105	AMD-C	96-03-026	308-96A-035	AMD	96-04-004	314-14-070	NEW	96-03-074
296-305-110	AMD-C	96-03-026	308-96A-505	AMD-P	96-09-040	314-14-080	NEW	96-03-074
296-305-115	AMD-C	96-03-026	308-128A	PREP	96-06-084	314-14-090	NEW	96-03-074
296-306	PREP	96-06-034	308-128A-010	DECOD	96-05-018	314-14-100	NEW	96-03-074
296-306	PREP	96-06-078	308-128A-020	DECOD	96-05-018	314-14-110	NEW	96-03-074
304-12-010	REP	96-04-045	308-128A-030	DECOD	96-05-018	314-14-120	NEW	96-03-074
304-12-020	REP	96-04-045	308-128A-040	DECOD	96-05-018	314-14-130	NEW	96-03-074
304-12-025	REP	96-04-045	308-128B	PREP	96-06-084	314-14-140	NEW	96-03-074
304-12-145	AMD	96-04-045	308-128B-010	DECOD	96-05-018	314-14-150	NEW	96-03-074
304-12-290	AMD	96-04-045	308-128B-020	DECOD	96-05-018	314-14-160	NEW	96-03-074
304-12-350	REP	96-04-045	308-128B-030	DECOD	96-05-018	314-16-196	AMD	96-03-005
304-25-010	REP	96-04-045	308-128B-050	DECOD	96-05-018	314-20-100	AMD-P	96-07-101
304-25-020	REP	96-04-045	308-128B-070	DECOD	96-05-018	314-24-190	AMD-P	96-07-101
304-25-030	REP	96-04-045	308-128B-080	DECOD	96-05-018	314-24-220	AMD-P	96-07-100
304-25-040	REP	96-04-045	308-128B-090	DECOD	96-05-018	314-70-010	AMD	96-03-004
304-25-050	REP	96-04-045	308-128C	PREP	96-06-084	314-70-030	AMD	96-03-004
304-25-060	REP	96-04-045	308-128C-020	DECOD	96-05-018	315-04-220	AMD	96-03-039
304-25-110	REP	96-04-045	308-128C-030	DECOD	96-05-018	315-06	PREP	96-09-103
304-25-120	REP	96-04-045	308-128C-040	DECOD	96-05-018	315-10-050	PREP	96-03-156
304-25-510	REP	96-04-045	308-128C-050	DECOD	96-05-018	315-10-050	REP-P	96-07-104
304-25-520	REP	96-04-045	308-128D	PREP	96-06-084	315-11A	PREP	96-08-004
304-25-530	REP	96-04-045	308-128D-010	DECOD	96-05-018	315-11A-157	NEW-W	96-03-038

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315-11A-157	NEW-P	96-03-157	317-31-250	NEW-P	96-03-071	365-185-020	NEW-E	96-03-045
315-11A-157	NEW	96-07-015	317-31-300	NEW-P	96-03-071	365-185-020	NEW	96-04-046
315-11A-158	NEW	96-03-039	317-31-310	NEW-P	96-03-071	365-185-030	NEW-E	96-03-045
315-11A-159	NEW	96-03-039	317-31-900	NEW-P	96-03-071	365-185-030	NEW	96-04-046
315-11A-160	NEW	96-03-039	317-50-999	NEW-E	96-08-002	365-185-040	NEW-E	96-03-045
315-11A-161	NEW	96-03-039	326-30-041	PREP	96-07-089	365-185-040	NEW	96-04-046
315-11A-162	NEW-P	96-03-157	326-40-030	PREP	96-07-088	365-185-050	NEW-E	96-03-045
315-11A-162	NEW	96-07-015	332-24-221	AMD-P	96-08-027	365-185-050	NEW	96-04-046
315-11A-163	NEW-P	96-03-157	332-24-720	AMD	96-03-003	365-185-060	NEW-E	96-03-045
315-11A-163	NEW	96-07-015	356-05-171	REP-P	96-08-082	365-185-060	NEW	96-04-046
315-11A-164	NEW-P	96-03-157	356-05-171	REP-C	96-09-088	371-08-001	REP-P	96-10-063
315-11A-164	NEW	96-07-015	356-05-415	AMD-W	96-02-069	371-08-002	REP-P	96-10-063
315-11A-164	PREP	96-08-071	356-06-080	AMD-P	96-08-087	371-08-005	REP-P	96-10-063
315-11A-164	PREP	96-09-103	356-10-020	AMD-P	96-08-087	371-08-010	REP-P	96-10-063
315-11A-165	NEW-P	96-03-157	356-14-240	AMD	96-02-073	371-08-020	REP-P	96-10-063
315-11A-165	NEW	96-07-015	356-14-260	AMD-P	96-08-082	371-08-030	REP-P	96-10-063
315-11A-166	NEW-P	96-03-157	356-14-260	AMD-C	96-09-088	371-08-032	REP-P	96-10-063
315-11A-166	NEW	96-07-015	356-15-030	AMD-P	96-08-082	371-08-033	REP-P	96-10-063
315-11A-167	NEW-P	96-03-157	356-15-030	AMD-C	96-09-088	371-08-035	REP-P	96-10-063
315-11A-167	NEW	96-07-015	356-15-050	AMD	96-02-073	371-08-040	REP-P	96-10-063
315-11A-168	NEW-P	96-07-104	356-15-060	AMD-P	96-02-070	371-08-050	REP-P	96-10-063
315-11A-169	NEW-P	96-07-104	356-15-060	AMD-C	96-07-092	371-08-055	REP-P	96-10-063
315-11A-170	NEW-P	96-07-104	356-15-060	AMD-W	96-09-053	371-08-061	REP-P	96-10-063
315-11A-171	NEW-P	96-07-104	356-15-060	AMD-P	96-10-064	371-08-065	REP-P	96-10-063
315-11A-172	NEW-P	96-07-104	356-15-070	AMD	96-02-073	371-08-071	REP-P	96-10-063
315-11A-173	NEW-P	96-07-104	356-15-090	AMD	96-02-073	371-08-075	REP-P	96-10-063
315-34	PREP	96-08-004	356-15-110	AMD	96-02-073	371-08-080	REP-P	96-10-063
317-21-020	AMD	96-03-070	356-18-060	AMD-P	96-08-082	371-08-085	REP-P	96-10-063
317-21-030	AMD	96-03-070	356-18-060	AMD-C	96-09-088	371-08-100	REP-P	96-10-063
317-21-120	AMD	96-03-070	356-18-080	AMD-P	96-08-082	371-08-104	REP-P	96-10-063
317-21-200	AMD	96-03-070	356-18-080	AMD-C	96-09-088	371-08-106	REP-P	96-10-063
317-21-205	AMD	96-03-070	356-18-110	AMD-P	96-08-082	371-08-125	REP-P	96-10-063
317-21-210	AMD	96-03-070	356-18-110	AMD-C	96-09-088	371-08-130	REP-P	96-10-063
317-21-215	AMD	96-03-070	356-18-112	AMD-W	96-02-069	371-08-140	REP-P	96-10-063
317-21-235	AMD	96-03-070	356-18-112	AMD-P	96-08-083	371-08-144	REP-P	96-10-063
317-21-245	AMD	96-03-070	356-18-116	AMD	96-02-073	371-08-146	REP-P	96-10-063
317-21-265	AMD	96-03-070	356-18-140	AMD-P	96-08-082	371-08-147	REP-P	96-10-063
317-21-320	AMD	96-03-070	356-18-140	AMD-C	96-09-088	371-08-148	REP-P	96-10-063
317-21-345	AMD	96-03-070	356-18-145	AMD-P	96-08-082	371-08-150	REP-P	96-10-063
317-21-500	AMD	96-03-070	356-18-145	AMD-C	96-09-088	371-08-155	REP-P	96-10-063
317-21-530	AMD	96-03-070	356-18-150	AMD-P	96-08-082	371-08-156	REP-P	96-10-063
317-21-540	AMD	96-03-070	356-18-150	AMD-C	96-09-088	371-08-162	REP-P	96-10-063
317-30	REP-C	96-09-008	356-22-220	AMD-P	96-08-085	371-08-165	REP-P	96-10-063
317-30-010	REP-P	96-03-071	356-30-025	REP-W	96-02-069	371-08-167	REP-P	96-10-063
317-30-020	REP-P	96-03-071	356-30-050	AMD	96-02-073	371-08-180	REP-P	96-10-063
317-30-030	REP-P	96-03-071	356-30-065	AMD-W	96-02-069	371-08-183	REP-P	96-10-063
317-30-040	REP-P	96-03-071	356-30-067	AMD-W	96-02-069	371-08-184	REP-P	96-10-063
317-30-050	REP-P	96-03-071	356-30-230	AMD	96-02-073	371-08-185	REP-P	96-10-063
317-30-060	REP-P	96-03-071	356-30-315	AMD	96-02-073	371-08-186	REP-P	96-10-063
317-30-070	REP-P	96-03-071	356-30-330	AMD	96-02-073	371-08-187	REP-P	96-10-063
317-30-080	REP-P	96-03-071	356-37-020	AMD-P	96-04-052A	371-08-188	REP-P	96-10-063
317-30-090	REP-P	96-03-071	356-37-020	AMD	96-07-093	371-08-189	REP-P	96-10-063
317-30-100	REP-P	96-03-071	356-37-030	AMD-P	96-04-052A	371-08-195	REP-P	96-10-063
317-30-110	REP-P	96-03-071	356-37-030	AMD	96-07-093	371-08-196	REP-P	96-10-063
317-30-120	REP-P	96-03-071	356-37-040	AMD-P	96-04-052A	371-08-197	REP-P	96-10-063
317-30-130	REP-P	96-03-071	356-37-040	AMD	96-07-093	371-08-200	REP-P	96-10-063
317-30-140	REP-P	96-03-071	356-37-050	AMD-P	96-04-052A	371-08-215	REP-P	96-10-063
317-30-150	REP-P	96-03-071	356-37-050	AMD	96-07-093	371-08-220	REP-P	96-10-063
317-30-900	REP-P	96-03-071	356-37-100	AMD-P	96-04-052A	371-08-230	REP-P	96-10-063
317-31	NEW-C	96-09-008	356-37-100	AMD	96-07-093	371-08-235	REP-P	96-10-063
317-31-010	NEW-P	96-03-071	356-37-160	NEW-P	96-04-052A	371-08-240	REP-P	96-10-063
317-31-020	NEW-P	96-03-071	356-37-160	NEW	96-07-093	371-08-250	REP-P	96-10-063
317-31-030	NEW-P	96-03-071	356-37-170	NEW-P	96-04-052A	371-08-255	REP-P	96-10-063
317-31-100	NEW-P	96-03-071	356-37-170	NEW	96-07-093	371-08-260	REP-P	96-10-063
317-31-110	NEW-P	96-03-071	356-42-020	AMD-P	96-06-059	371-08-300	NEW-P	96-10-063
317-31-120	NEW-P	96-03-071	356-42-020	AMD-C	96-09-054	371-08-305	NEW-P	96-10-063
317-31-130	NEW-P	96-03-071	356-42-045	AMD-P	96-10-066	371-08-310	NEW-P	96-10-063
317-31-140	NEW-P	96-03-071	356-42-055	AMD-P	96-04-052A	371-08-315	NEW-P	96-10-063
317-31-200	NEW-P	96-03-071	356-42-055	AMD	96-07-093	371-08-320	NEW-P	96-10-063
317-31-210	NEW-P	96-03-071	356-46-080	AMD	96-02-073	371-08-325	NEW-P	96-10-063
317-31-220	NEW-P	96-03-071	356-56-115	AMD-P	96-08-089	371-08-330	NEW-P	96-10-063
317-31-230	NEW-P	96-03-071	365-185-010	NEW-E	96-03-045	371-08-335	NEW-P	96-10-063
317-31-240	NEW-P	96-03-071	365-185-010	NEW	96-04-046	371-08-340	NEW-P	96-10-063

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371-08-350	NEW-P	96-10-063	388-11-140	AMD	96-09-036	388-55-030	AMD	96-05-009
371-08-355	NEW-P	96-10-063	388-11-150	AMD-P	96-06-039	388-55-040	AMD	96-05-009
371-08-360	NEW-P	96-10-063	388-11-150	AMD	96-09-036	388-55-050	NEW	96-05-009
371-08-365	NEW-P	96-10-063	388-11-210	AMD-P	96-06-039	388-55-060	NEW	96-05-009
371-08-370	NEW-P	96-10-063	388-11-210	AMD	96-09-036	388-73-012	AMD-P	96-06-051
371-08-375	NEW-P	96-10-063	388-11-215	AMD-P	96-06-039	388-73-012	AMD-E	96-07-079
371-08-380	NEW-P	96-10-063	388-11-215	AMD	96-09-036	388-73-012	AMD	96-10-032
371-08-385	NEW-P	96-10-063	388-11-220	AMD-P	96-06-039	388-73-014	AMD-P	96-06-051
371-08-390	NEW-P	96-10-063	388-11-220	AMD	96-09-036	388-73-014	AMD-E	96-07-079
371-08-395	NEW-P	96-10-063	388-11-280	NEW-P	96-06-039	388-73-014	AMD	96-10-032
371-08-400	NEW-P	96-10-063	388-11-280	NEW	96-09-036	388-73-01950	AMD-P	96-06-051
371-08-405	NEW-P	96-10-063	388-11-285	NEW-P	96-06-039	388-73-01950	AMD-E	96-07-079
371-08-410	NEW-P	96-10-063	388-11-285	NEW	96-09-036	388-73-01950	AMD	96-10-032
371-08-415	NEW-P	96-10-063	388-11-290	NEW-P	96-06-039	388-73-020	AMD-P	96-06-051
371-08-420	NEW-P	96-10-063	388-11-290	NEW	96-09-036	388-73-020	AMD-E	96-07-079
371-08-425	NEW-P	96-10-063	388-11-295	NEW-P	96-06-039	388-73-020	AMD	96-10-032
371-08-430	NEW-P	96-10-063	388-11-295	NEW	96-09-036	388-73-030	AMD-C	96-03-105
371-08-435	NEW-P	96-10-063	388-11-300	NEW-P	96-06-039	388-73-030	AMD-S	96-05-061
371-08-440	NEW-P	96-10-063	388-11-300	NEW	96-09-036	388-73-030	RESCIND	96-05-067
371-08-445	NEW-P	96-10-063	388-11-305	NEW-P	96-06-039	388-73-030	AMD-E	96-05-068
371-08-450	NEW-P	96-10-063	388-11-305	NEW	96-09-036	388-73-030	AMD	96-10-043
371-08-455	NEW-P	96-10-063	388-11-310	NEW-P	96-06-039	388-73-030	AMD-E	96-10-054
371-08-460	NEW-P	96-10-063	388-11-310	NEW	96-09-036	388-73-036	AMD-S	96-05-061
371-08-465	NEW-P	96-10-063	388-11-315	NEW-P	96-06-039	388-73-036	AMD-E	96-05-068
371-08-470	NEW-P	96-10-063	388-11-315	NEW	96-09-036	388-73-036	AMD	96-10-043
371-08-475	NEW-P	96-10-063	388-11-400	NEW-P	96-06-039	388-73-036	AMD-E	96-10-054
371-08-480	NEW-P	96-10-063	388-11-400	NEW	96-09-036	388-73-036	AMD-P	96-06-051
371-08-485	NEW-P	96-10-063	388-11-405	NEW-P	96-06-039	388-73-048	AMD-P	96-06-051
371-08-490	NEW-P	96-10-063	388-11-405	NEW	96-09-036	388-73-048	AMD-E	96-07-079
371-08-500	NEW-P	96-10-063	388-11-410	NEW-P	96-06-039	388-73-048	AMD	96-10-032
371-08-505	NEW-P	96-10-063	388-11-410	NEW	96-09-036	388-73-054	AMD-P	96-06-051
371-08-510	NEW-P	96-10-063	388-11-415	NEW-P	96-06-039	388-73-054	AMD-E	96-07-079
371-08-515	NEW-P	96-10-063	388-11-415	NEW	96-09-036	388-73-054	AMD	96-10-032
371-08-520	NEW-P	96-10-063	388-11-420	NEW-P	96-06-039	388-73-606	AMD-P	96-06-051
371-08-525	NEW-P	96-10-063	388-11-420	NEW	96-09-036	388-73-606	AMD-E	96-07-079
371-08-530	NEW-P	96-10-063	388-11-425	NEW-P	96-06-039	388-73-606	AMD	96-10-032
371-08-535	NEW-P	96-10-063	388-11-425	NEW	96-09-036	388-73-800	AMD-P	96-06-051
371-08-540	NEW-P	96-10-063	388-11-430	NEW-P	96-06-039	388-73-800	AMD-E	96-07-079
371-08-545	NEW-P	96-10-063	388-11-430	NEW	96-09-036	388-73-800	AMD	96-10-032
371-08-550	NEW-P	96-10-063	388-15	PREP	96-06-009	388-73-803	NEW-P	96-06-051
371-08-555	NEW-P	96-10-063	388-15-134	PREP	96-09-076	388-73-803	NEW-E	96-07-079
371-08-560	NEW-P	96-10-063	388-15-145	AMD-P	96-06-014	388-73-805	NEW-P	96-06-051
371-08-565	NEW-P	96-10-063	388-15-145	AMD	96-09-035	388-73-805	NEW-E	96-07-079
371-08-570	NEW-P	96-10-063	388-15-900	REP-P	96-04-084	388-73-805	NEW	96-10-032
374-60-030	AMD	96-04-005	388-15-905	REP-P	96-04-084	388-73-815	AMD-P	96-06-051
374-60-120	AMD	96-04-005	388-15-910	REP-P	96-04-084	388-73-815	AMD-E	96-07-079
388-11-010	REP-P	96-06-039	388-15-915	REP-P	96-04-084	388-73-815	AMD	96-10-032
388-11-010	REP	96-09-036	388-15-920	REP-P	96-04-084	388-73-821	NEW-P	96-06-051
388-11-011	AMD-P	96-06-039	388-15-925	REP-P	96-04-084	388-73-821	NEW-E	96-07-079
388-11-011	AMD	96-09-036	388-15-935	REP-P	96-04-084	388-73-821	NEW	96-10-032
388-11-015	AMD-P	96-06-039	388-15-940	REP-P	96-04-084	388-73-822	NEW-P	96-06-051
388-11-015	AMD	96-09-036	388-15-945	REP-P	96-04-084	388-73-822	NEW-E	96-07-079
388-11-030	REP-P	96-06-039	388-15-950	REP-P	96-04-084	388-73-822	NEW	96-10-032
388-11-030	REP	96-09-036	388-15-955	REP-P	96-04-084	388-73-823	NEW-P	96-06-051
388-11-032	REP-P	96-06-039	388-49-020	AMD-P	96-03-013	388-73-823	NEW-E	96-07-079
388-11-032	REP	96-09-036	388-49-020	AMD	96-06-031	388-73-823	NEW	96-10-032
388-11-035	REP-P	96-06-039	388-49-160	PREP	96-07-094	388-73-825	NEW-P	96-06-051
388-11-035	REP	96-09-036	388-49-160	AMD-E	96-10-059	388-73-825	NEW-E	96-07-079
388-11-040	REP-P	96-06-039	388-49-330	AMD-P	96-04-036	388-73-825	NEW	96-10-032
388-11-040	REP	96-09-036	388-49-330	AMD	96-07-053	388-76-010	REP-P	96-06-040
388-11-045	AMD-P	96-06-039	388-49-410	AMD-P	96-04-008	388-76-020	REP-P	96-06-040
388-11-045	AMD	96-09-036	388-49-410	AMD	96-07-022	388-76-030	REP-P	96-06-040
388-11-048	AMD-P	96-06-039	388-49-480	PREP	96-09-034	388-76-040	REP-P	96-06-040
388-11-048	AMD	96-09-036	388-49-500	AMD-P	96-03-097	388-76-045	REP-P	96-06-040
388-11-055	REP-P	96-06-039	388-49-500	AMD	96-06-046	388-76-050	REP-P	96-06-040
388-11-055	REP	96-09-036	388-49-670	AMD-P	96-03-095	388-76-060	REP-P	96-06-040
388-11-060	REP-P	96-06-039	388-49-670	AMD	96-06-042	388-76-070	REP-P	96-06-040
388-11-060	REP	96-09-036	388-55-006	NEW	96-05-009	388-76-080	REP-P	96-06-040
388-11-065	AMD-P	96-06-039	388-55-008	NEW	96-05-009	388-76-085	REP-P	96-06-040
388-11-065	AMD	96-09-036	388-55-010	AMD	96-05-009	388-76-087	REP-P	96-06-040
388-11-120	AMD-P	96-06-039	388-55-020	AMD	96-05-009	388-76-090	REP-P	96-06-040
388-11-120	AMD	96-09-036	388-55-024	NEW	96-05-009	388-76-095	REP-P	96-06-040

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-76-100	REP-P	96-06-040	388-76-670	NEW-P	96-06-040	388-151-090	AMD-S	96-05-061
388-76-110	REP-P	96-06-040	388-76-675	NEW-P	96-06-040	388-151-090	RESCIND	96-05-067
388-76-130	REP-P	96-06-040	388-76-680	NEW-P	96-06-040	388-151-090	AMD-E	96-05-068
388-76-140	REP-P	96-06-040	388-76-685	NEW-P	96-06-040	388-151-090	AMD	96-10-043
388-76-155	REP-P	96-06-040	388-76-690	NEW-P	96-06-040	388-151-090	AMD-E	96-10-054
388-76-160	REP-P	96-06-040	388-76-695	NEW-P	96-06-040	388-155-060	AMD-P	96-07-010
388-76-170	REP-P	96-06-040	388-76-700	NEW-P	96-06-040	388-155-060	AMD	96-10-042
388-76-180	REP-P	96-06-040	388-76-705	NEW-P	96-06-040	388-155-070	AMD-P	96-07-010
388-76-185	REP-P	96-06-040	388-76-710	NEW-P	96-06-040	388-155-070	AMD	96-10-042
388-76-190	REP-P	96-06-040	388-76-715	NEW-P	96-06-040	388-155-090	AMD-C	96-03-105
388-76-200	REP-P	96-06-040	388-76-720	NEW-P	96-06-040	388-155-090	AMD-S	96-05-061
388-76-220	REP-P	96-06-040	388-76-725	NEW-P	96-06-040	388-155-090	RESCIND	96-05-067
388-76-240	REP-P	96-06-040	388-76-730	NEW-P	96-06-040	388-155-090	AMD-E	96-05-068
388-76-250	REP-P	96-06-040	388-76-735	NEW-P	96-06-040	388-155-090	AMD	96-10-043
388-76-260	REP-P	96-06-040	388-76-740	NEW-P	96-06-040	388-155-090	AMD-E	96-10-054
388-76-280	REP-P	96-06-040	388-76-745	NEW-P	96-06-040	388-155-600	NEW-P	96-07-010
388-76-290	REP-P	96-06-040	388-76-750	NEW-P	96-06-040	388-155-600	NEW	96-10-042
388-76-300	REP-P	96-06-040	388-76-755	NEW-P	96-06-040	388-155-605	NEW-P	96-07-010
388-76-310	REP-P	96-06-040	388-76-760	NEW-P	96-06-040	388-155-605	NEW	96-10-042
388-76-320	REP-P	96-06-040	388-76-765	NEW-P	96-06-040	388-155-610	NEW-P	96-07-010
388-76-325	REP-P	96-06-040	388-76-770	NEW-P	96-06-040	388-155-610	NEW	96-10-042
388-76-330	REP-P	96-06-040	388-76-775	NEW-P	96-06-040	388-155-620	NEW-P	96-07-010
388-76-340	REP-P	96-06-040	388-76-780	NEW-P	96-06-040	388-155-620	NEW	96-10-042
388-76-350	REP-P	96-06-040	388-76-785	NEW-P	96-06-040	388-155-630	NEW-P	96-07-010
388-76-360	REP-P	96-06-040	388-76-790	NEW-P	96-06-040	388-155-630	NEW	96-10-042
388-76-370	REP-P	96-06-040	388-76-795	NEW-P	96-06-040	388-155-640	NEW-P	96-07-010
388-76-380	REP-P	96-06-040	388-86	PREP	96-07-042	388-155-640	NEW	96-10-042
388-76-390	REP-P	96-06-040	388-86	PREP	96-07-043	388-155-650	NEW-P	96-07-010
388-76-400	REP-P	96-06-040	388-86	PREP	96-07-044	388-155-650	NEW	96-10-042
388-76-405	REP-P	96-06-040	388-86	PREP	96-07-045	388-155-660	NEW-P	96-07-010
388-76-410	REP-P	96-06-040	388-87	PREP	96-07-042	388-155-660	NEW	96-10-042
388-76-420	REP-P	96-06-040	388-87	PREP	96-07-043	388-155-670	NEW-P	96-07-010
388-76-430	REP-P	96-06-040	388-87	PREP	96-07-044	388-155-670	NEW	96-10-042
388-76-435	REP-P	96-06-040	388-87	PREP	96-07-045	388-155-680	NEW-P	96-07-010
388-76-440	REP-P	96-06-040	388-87-020	PREP	96-08-091	388-155-680	NEW	96-10-042
388-76-450	REP-P	96-06-040	388-96	PREP	96-07-024	388-160	PREP	96-05-057
388-76-460	REP-P	96-06-040	388-110	NEW-C	96-09-032	388-160-050	PREP	96-05-057
388-76-465	REP-P	96-06-040	388-110	NEW-C	96-10-010	388-160-080	PREP	96-05-057
388-76-467	REP-P	96-06-040	388-110	NEW-C	96-10-077	388-160-090	AMD-C	96-03-105
388-76-470	REP-P	96-06-040	388-110-005	NEW-P	96-04-084	388-160-090	AMD-S	96-05-061
388-76-475	REP-P	96-06-040	388-110-010	NEW-P	96-04-084	388-160-090	RESCIND	96-05-067
388-76-480	REP-P	96-06-040	388-110-020	NEW-P	96-04-084	388-160-090	AMD-E	96-05-068
388-76-490	REP-P	96-06-040	388-110-030	NEW-P	96-04-084	388-160-090	AMD	96-10-043
388-76-500	REP-P	96-06-040	388-110-040	NEW-P	96-04-084	388-160-090	AMD-E	96-10-054
388-76-520	REP-P	96-06-040	388-110-050	NEW-P	96-04-084	388-160-120	AMD-S	96-05-061
388-76-530	REP-P	96-06-040	388-110-060	NEW-P	96-04-084	388-160-120	AMD-E	96-05-068
388-76-535	NEW-P	96-06-040	388-110-070	NEW-P	96-04-084	388-160-120	AMD	96-10-043
388-76-540	NEW-P	96-06-040	388-110-080	NEW-P	96-04-084	388-160-120	AMD-E	96-10-054
388-76-545	NEW-P	96-06-040	388-110-090	NEW-P	96-04-084	388-160-430	PREP	96-05-057
388-76-550	NEW-P	96-06-040	388-110-100	NEW-P	96-04-084	388-160-460	PREP	96-05-057
388-76-555	NEW-P	96-06-040	388-110-110	NEW-P	96-04-084	388-160-480	PREP	96-05-057
388-76-560	NEW-P	96-06-040	388-110-120	NEW-P	96-04-084	388-160-490	PREP	96-05-057
388-76-565	NEW-P	96-06-040	388-110-140	NEW-P	96-04-084	388-160-500	PREP	96-05-057
388-76-570	NEW-P	96-06-040	388-110-150	NEW-P	96-04-084	388-200	PREP	96-07-041
388-76-575	NEW-P	96-06-040	388-110-170	NEW-P	96-04-084	388-200-1300	PREP	96-07-041
388-76-580	NEW-P	96-06-040	388-110-180	NEW-P	96-04-084	388-200-1350	PREP	96-07-041
388-76-585	NEW-P	96-06-040	388-110-190	NEW-P	96-04-084	388-201-200	AMD-P	96-04-034
388-76-590	NEW-P	96-06-040	388-110-200	NEW-P	96-04-084	388-201-200	AMD	96-07-021
388-76-595	NEW-P	96-06-040	388-110-210	NEW-P	96-04-084	388-201-300	AMD-P	96-04-034
388-76-600	NEW-P	96-06-040	388-110-220	NEW-P	96-04-084	388-201-300	AMD	96-07-021
388-76-605	NEW-P	96-06-040	388-110-230	NEW-P	96-04-084	388-201-400	AMD-P	96-04-034
388-76-610	NEW-P	96-06-040	388-110-240	NEW-P	96-04-084	388-201-400	AMD	96-07-021
388-76-615	NEW-P	96-06-040	388-110-250	NEW-P	96-04-084	388-201-410	AMD-P	96-04-034
388-76-620	NEW-P	96-06-040	388-110-260	NEW-P	96-04-084	388-201-410	AMD	96-07-021
388-76-625	NEW-P	96-06-040	388-110-270	NEW-P	96-04-084	388-201-420	AMD-P	96-04-034
388-76-630	NEW-P	96-06-040	388-110-280	NEW-P	96-04-084	388-201-420	AMD	96-07-021
388-76-635	NEW-P	96-06-040	388-150-090	AMD-C	96-03-105	388-201-430	AMD-P	96-04-034
388-76-640	NEW-P	96-06-040	388-150-090	AMD-S	96-05-061	388-201-430	AMD	96-07-021
388-76-645	NEW-P	96-06-040	388-150-090	RESCIND	96-05-067	388-201-440	AMD-P	96-04-034
388-76-650	NEW-P	96-06-040	388-150-090	AMD-E	96-05-068	388-201-440	AMD	96-07-021
388-76-655	NEW-P	96-06-040	388-150-090	AMD	96-10-043	388-201-450	AMD-P	96-04-034
388-76-660	NEW-P	96-06-040	388-150-090	AMD-E	96-10-054	388-201-450	AMD	96-07-021
388-76-665	NEW-P	96-06-040	388-151-090	AMD-C	96-03-105	388-201-460	AMD-P	96-04-034

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-201-460	AMD	96-07-021	388-517-1740	PREP	96-08-019	391-08-120	AMD-P	96-03-135
388-201-470	AMD-P	96-04-034	388-517-1740	AMD-E	96-08-021	391-08-120	AMD	96-07-105
388-201-470	AMD	96-07-021	388-517-1760	PREP	96-08-019	391-08-180	AMD-P	96-03-135
388-201-480	AMD-P	96-04-034	388-517-1760	AMD-E	96-08-021	391-08-180	AMD	96-07-105
388-201-480	AMD	96-07-021	388-518-1805	AMD-E	96-10-033	391-08-650	NEW-P	96-03-135
388-215-1390	PREP	96-03-096	388-518-1805	PREP	96-10-034	391-08-650	NEW	96-07-105
388-215-1390	AMD-E	96-04-001	388-518-1810	AMD-E	96-10-033	391-08-670	NEW-P	96-03-135
388-215-1390	AMD-P	96-07-009	388-518-1810	PREP	96-10-034	391-08-670	NEW	96-07-105
388-215-1390	AMD	96-10-045	388-518-1820	AMD-P	96-04-037	391-08-820	AMD-P	96-03-135
388-215-1600	AMD-P	96-03-099	388-518-1820	AMD	96-07-023	391-08-820	AMD	96-07-105
388-215-1600	AMD	96-06-045	388-519-1905	PREP	96-07-004	391-25-001	AMD-P	96-03-135
388-215-1610	AMD-P	96-03-099	388-519-1905	AMD-E	96-10-033	391-25-001	AMD	96-07-105
388-215-1610	AMD	96-06-045	388-519-1905	PREP	96-10-034	391-25-011	NEW-P	96-03-135
388-218-1510	AMD	96-03-040	388-519-1910	PREP	96-04-056	391-25-011	NEW	96-07-105
388-219-3000	AMD-P	96-07-014	388-519-1930	PREP	96-04-056	391-25-030	AMD-P	96-03-135
388-219-3000	AMD-E	96-09-075	388-522-2230	PREP	96-07-004	391-25-030	AMD	96-07-105
388-219-3000	AMD	96-10-031	388-522-2230	AMD-E	96-10-033	391-25-050	AMD-P	96-03-135
388-235-5050	PREP	96-08-041A	388-522-2230	PREP	96-10-034	391-25-050	AMD	96-07-105
388-245-2020	AMD-P	96-04-035	388-528-2810	PREP	96-04-024	391-25-070	AMD-P	96-03-135
388-245-2020	AMD	96-07-025	388-530-1950	NEW-P	96-05-087	391-25-070	AMD	96-07-105
388-250-1400	AMD	96-04-002	388-530-1950	NEW	96-08-018	391-25-090	AMD-P	96-03-135
388-250-1700	AMD-P	96-07-008	388-531	PREP	96-07-045	391-25-090	AMD	96-07-105
388-250-1700	AMD-E	96-10-030	388-535	PREP	96-08-030	391-25-110	AMD-P	96-03-135
388-250-1700	AMD	96-10-044	388-535-1000	PREP	96-08-031	391-25-110	AMD	96-07-105
388-270-1125	PREP	96-06-008	388-535-1100	PREP	96-08-031	391-25-130	AMD-P	96-03-135
388-290-135	AMD-P	96-06-026	388-538	PREP	96-10-011	391-25-130	AMD	96-07-105
388-290-135	AMD	96-09-058	388-538-080	PREP	96-08-032	391-25-140	AMD-P	96-03-135
388-330-010	AMD-C	96-03-105	388-543	PREP	96-07-042	391-25-140	AMD	96-07-105
388-330-010	AMD-S	96-05-061	388-546	PREP	96-07-043	391-25-170	AMD-P	96-03-135
388-330-010	RESCIND	96-05-067	388-550	PREP	96-07-044	391-25-170	AMD	96-07-105
388-330-010	AMD-E	96-05-068	390-05-190	AMD-P	96-05-072	391-25-190	AMD-P	96-03-135
388-330-010	AMD	96-10-043	390-05-190	AMD	96-09-015	391-25-190	AMD	96-07-105
388-330-010	AMD-E	96-10-054	390-05-200	AMD	96-05-001	391-25-220	AMD-P	96-03-135
388-330-035	NEW-C	96-03-105	390-05-205	AMD	96-05-001	391-25-220	AMD	96-07-105
388-330-035	NEW-S	96-05-061	390-05-210	AMD-P	96-05-072	391-25-230	AMD-P	96-03-135
388-330-035	RESCIND	96-05-067	390-05-210	AMD	96-09-015	391-25-230	AMD	96-07-105
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388-508-0805	AMD-E	96-08-021	390-17-030	AMD	96-05-001	391-25-510	AMD-P	96-03-135
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388-509-0920	AMD-E	96-08-021	390-17-050	REP	96-09-016	391-25-550	AMD-P	96-03-135
388-509-0960	AMD-E	96-08-021	390-17-052	REP-P	96-05-073	391-25-550	AMD	96-07-105
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388-513-1380	AMD	96-09-033	391-08-001	AMD-P	96-03-135	391-35-050	AMD	96-07-105
388-513-1395	AMD-E	96-10-033	391-08-001	AMD	96-07-105	391-35-080	AMD-P	96-03-135
388-513-1395	PREP	96-10-034	391-08-030	AMD-P	96-03-135	391-35-080	AMD	96-07-105
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388-517-1720	PREP	96-08-019	391-08-040	AMD-P	96-03-135	391-35-110	AMD	96-07-105
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391-35-300	NEW	96-07-105	391-55-430	REP-P	96-03-135	392-122-160	AMD	96-03-002
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391-45-050	AMD	96-07-105	391-55-450	REP-P	96-03-135	392-123-078	AMD-P	96-05-031
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391-45-110	AMD	96-07-105	391-55-455	REP-P	96-03-135	392-123-079	AMD-P	96-05-031
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391-55-090	AMD-P	96-03-135	391-95-260	AMD	96-07-105	392-140-450	AMD	96-05-021
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391-55-200	AMD-P	96-03-135	391-95-270	AMD	96-07-105	392-140-461	AMD	96-05-021
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391-55-205	AMD	96-07-105	392-109-040	AMD	96-08-001	392-140-470	AMD-P	96-02-078
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391-55-225	AMD	96-07-105	392-109-070	AMD	96-08-001	392-140-490	AMD-P	96-02-078
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391-55-230	AMD	96-07-105	392-109-072	AMD	96-08-001	392-140-491	AMD-P	96-02-078
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391-55-245	AMD-P	96-03-135	392-109-100	AMD-P	96-04-033	392-140-494	AMD	96-05-021
391-55-245	AMD	96-07-105	392-109-100	AMD	96-08-001	392-140-497	AMD-P	96-02-078
391-55-255	AMD-P	96-03-135	392-109-105	AMD-P	96-04-033	392-140-497	AMD	96-05-021
391-55-255	AMD	96-07-105	392-109-105	AMD	96-08-001	392-141	PREP	96-09-067
391-55-260	REP-P	96-03-135	392-109-120	AMD-P	96-04-033	392-142	PREP	96-09-068
391-55-260	REP	96-07-105	392-109-120	AMD	96-08-001	392-143	PREP	96-09-069
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391-55-360	REP	96-07-105	392-122-107	AMD	96-03-002	415-08-023	NEW-P	96-07-080
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391-55-400	REP	96-07-105	392-122-120	AMD	96-03-002	415-08-027	NEW-P	96-07-080
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391-55-415	REP-P	96-03-135	392-122-132	AMD	96-03-002	415-08-050	AMD-P	96-07-080
391-55-415	REP	96-07-105	392-122-135	AMD	96-03-002	415-08-080	AMD-P	96-07-080
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458-20-12401	NEW-E	96-10-020	460-16A-125	PREP	96-03-125	461-08-150	REP-P	96-10-062
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458-20-199	AMD-C	96-10-040	460-16A-205	PREP	96-03-130	461-08-160	REP-P	96-10-062
458-20-211	AMD	96-03-139	460-16A-205	AMD-P	96-07-061	461-08-167	REP-P	96-10-062
458-20-226	AMD	96-05-080	460-16A-390	PREP	96-03-129	461-08-170	REP-P	96-10-062
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458-40-660	AMD-P	96-10-075	460-17A	PREP	96-03-120	461-08-175	REP-P	96-10-062
458-53-010	AMD	96-05-002	460-17A	AMD-P	96-07-083	461-08-180	REP-P	96-10-062
458-53-020	AMD	96-05-002	460-17A-010	AMD-P	96-07-083	461-08-185	REP-P	96-10-062
458-53-030	AMD	96-05-002	460-17A-020	AMD-P	96-07-083	461-08-190	REP-P	96-10-062
458-53-040	REP	96-05-002	460-17A-030	AMD-P	96-07-083	461-08-195	REP-P	96-10-062
458-53-050	AMD	96-05-002	460-17A-040	AMD-P	96-07-083	461-08-205	REP-P	96-10-062
458-53-051	REP	96-05-002	460-17A-050	AMD-P	96-07-083	461-08-210	REP-P	96-10-062
458-53-070	AMD	96-05-002	460-17A-060	AMD-P	96-07-083	461-08-215	REP-P	96-10-062
458-53-080	AMD	96-05-002	460-17A-070	AMD-P	96-07-083	461-08-220	REP-P	96-10-062
458-53-090	AMD	96-05-002	460-20B-020	PREP	96-03-117	461-08-221	REP-P	96-10-062
458-53-095	NEW	96-05-002	460-20B-020	AMD-P	96-07-059	461-08-225	REP-P	96-10-062
458-53-100	AMD	96-05-002	460-20B-070	PREP	96-03-117	461-08-230	REP-P	96-10-062
458-53-105	NEW	96-05-002	460-20B-070	NEW-P	96-07-059	461-08-235	REP-P	96-10-062
458-53-110	REP	96-05-002	460-33A-020	PREP	96-03-124	461-08-237	REP-P	96-10-062
458-53-120	REP	96-05-002	460-33A-020	AMD-P	96-07-056	461-08-240	REP-P	96-10-062
458-53-130	AMD	96-05-002	460-40A-025	PREP	96-03-122	461-08-245	REP-P	96-10-062
458-53-135	NEW	96-05-002	460-40A-025	REP-P	96-07-060	461-08-250	REP-P	96-10-062
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458-53-141	REP	96-05-002	460-42A-010	REP-P	96-07-067	461-08-260	REP-P	96-10-062
458-53-142	REP	96-05-002	460-42A-081	AMD-P	96-03-131	461-08-265	REP-P	96-10-062
458-53-150	REP	96-05-002	460-44A-503	PREP	96-03-116	461-08-270	REP-P	96-10-062
458-53-160	AMD	96-05-002	460-44A-505	PREP	96-03-116	461-08-300	NEW-P	96-10-062
458-53-163	REP	96-05-002	460-44A-506	PREP	96-03-116	461-08-305	NEW-P	96-10-062
458-53-165	REP	96-05-002	460-46A-050	AMD-P	96-03-132	461-08-310	NEW-P	96-10-062
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460-10A-055	REP-P	96-07-084	461-08-001	REP-P	96-10-062	461-08-345	NEW-P	96-10-062
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460-10A-090	REP-P	96-07-084	461-08-025	REP-P	96-10-062	461-08-370	NEW-P	96-10-062
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460-10A-100	REP-P	96-07-084	461-08-035	REP-P	96-10-062	461-08-380	NEW-P	96-10-062
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460-10A-120	REP-P	96-07-084	461-08-050	REP-P	96-10-062	461-08-400	NEW-P	96-10-062
460-10A-125	REP-P	96-07-084	461-08-053	REP-P	96-10-062	461-08-405	NEW-P	96-10-062
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