

May 4, 1988

OLYMPIA, WASHINGTON

ISSUE 88-09



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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of May 1988 pursuant to RCW 19.52.020 is twelve percent (12%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1988 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is twelve percent (12%) for the second calendar quarter of 1988.

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATERIAL

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1987 – 1988

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988
88-01	Nov 25	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 26
88-02	Dec 9	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 9
88-03	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 3	Feb 23
88-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 8
88-05	Jan 20	Feb 3	Feb 17	Mar 2	Mar 22
88-06	Feb 3	Feb 17	Mar 2	Mar 16	Apr 5
88-07	Feb 24	Mar 9	Mar 23	Apr 6	Apr 26
88-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
88-09	Mar 23	Apr 6	Apr 20	May 4	May 24
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88-12	May 4	May 18	Jun 1	Jun 15	Jul 5
88-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
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88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

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

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

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

WSR 88-09-001
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 88-01]

ESTABLISHING THE GOVERNOR'S
COMMITTEE ON WASHINGTON'S FINANCIAL
FUTURE

State and local taxes and spending significantly impact Washington's business climate and the public interest. The state's financial future requires a thorough review and analysis of state and local taxes and spending. To evaluate the present system and proposed alternatives, a committee is needed to identify and develop basic principles, values and long-range financial goals for our state. The committee will encourage public awareness and participation in the development of those principles, values and goals and in the evaluation of a variety of alternatives. Committee members will use a process which leads to reform that is in the best interest of Washington citizens. The committee will submit reports and findings to the Governor and Legislature for consideration. The purpose of the process utilized by the Committee is to set the foundation on which legislative consideration of complex tax and spending issues can successfully reach a conclusion within the limitations of the 1989 regular session.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby establish the Governor's Committee on Washington's Financial Future, as follows:

- A. The Committee shall be composed of not more than 19 members appointed by the Governor. The director of the Department of Revenue and the director of the Office of Financial Management will serve as co-chairs. A majority of the Committee shall constitute a quorum and a majority of members present can approve Committee action. The co-chairs shall appoint an executive director from the staff of the Department of Revenue to attend all Committee meetings and perform such duties as the Committee shall direct.
- B. The Committee shall be non-partisan with members representing large and small businesses, local government, agriculture, labor, and private citizens. Expenses for members may be reimbursed pursuant to state law.
- C. The Committee may establish advisory, technical and work groups as necessary to carry out the work of this Order.
- D. The Committee's responsibility will be to:
 - 1. Review Washington's current state and local financial structure, including the tax system, expenditure controls and tax rates; and review previous proposals, including findings of the state Tax Advisory Council.

- 2. Identify and develop basic principles, values and long-range financial goals to help evaluate the present system and consider alternatives proposed to the Committee.
- 3. Ensure public awareness and participation in developing principles, values and goals, and in considering alternatives developed by and/or presented to the Committee.
- 4. Regularly report findings, data and information to the Governor and the Legislature and make its reports public.
- 5. Select a variety of potential tax and spending control measures to be considered by the Governor and the Legislature in late 1988 and 1989.

- E. The Committee will be administered through the Department of Revenue with staff support from the Department of Revenue and the Office of Financial Management. The Committee shall have the authority to accept support and assistance, or receive gifts, grants, endowments or bequests as may be made to or provided from state agencies or other public/private sources for the use and benefit of the purposes of the Committee and to expend the same, or any income therefrom, according to any conditional terms.
- F. The Governor's Committee on Washington's Financial Future created by this Executive Order shall complete its responsibilities by November 30, 1988, and will automatically cease functioning and be disbanded on December 1, 1988.
- G. This Executive Order is effective immediately.

IN WITNESS WHERE-
 OF, I have hereunto set my
 hand and caused the seal of
 the state of Washington to
 be affixed at Olympia this
 5th day of April, A.D.,
 nineteen hundred and
 eighty-eight.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

 Secretary of State

WSR 88-09-002
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1972—Filed April 7, 1988]

I, C. Alan Pettibone, director of [the Department of Agriculture] do promulgate and adopt at Olympia,

Washington, the annexed rules relating to Varroa mite quarantine, chapter 16-470 WAC.

I, C. Alan Pettibone, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are in response to emergency rules adopted by the United States Department of Agriculture concerning a quarantine on bees for Varroa mite. This action is necessary to prevent the spread and/or introduction of Varroa mite, an external mite that infests bees.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 15.60 and 17.24 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 7, 1988.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-470-600 QUARANTINE—VARROA MITE. (1) The department of agriculture with the cooperation of the United States Department of Agriculture, APHIS, PPQ, surveyed Washington state honey bee colonies in 1986 and 1987 for Varroa mite and all results were negative. The director finds that Varroa mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is hereby established to prevent the further spread and/or introduction into and/or through Washington state.

(2) The following definitions shall apply to WAC 16-470-605 through 16-470-620:

(a) "Varroa" means Varroa mite (*Varroa jacobsonii*) an external mite of bees and is a regulated article as specified by the United States Department of Agriculture.

(b) "Bee" means all bees, live and dead, of the genus *Apis*, hives and hive equipment, shipping and storage containers and vehicles used at apiaries, combs with brood cells, pollen for bee food which are regulated articles as specified by the United States Department of Agriculture, and any other article or means of conveyance determined to present a risk of spreading Varroa mite as specified by the United States Department of Agriculture.

(c) "Survey and certification" means to survey for Varroa mite and certify that bees are free from Varroa mite as specified by the United States Department of Agriculture, and to issue a state or federal document on each shipment of bees attesting to the fact the bees are free from Varroa mite.

NEW SECTION

WAC 16-470-605 VARROA MITE—AREA UNDER QUARANTINE—EXTERIOR. Areas under quarantine for Varroa mite shall include all states and districts of the United States and foreign countries as specified by the United States Department of Agriculture.

NEW SECTION

WAC 16-470-610 VARROA MITE—RESTRICTIONS—EXTERIOR. All bees from quarantined areas for Varroa mite shall be certified and/or treated as specified by the United States Department of Agriculture.

NEW SECTION

WAC 16-470-615 VARROA MITE—AREA UNDER QUARANTINE—INTERIOR. A quarantine area for Varroa mite containing approximately sixty-one square miles within Klickitat county is hereby established, and shall be that area of land lying between State Highway 97 on the west, Goldendale-Goodnoe Road on the north, Goodnoe Station Road on the east, and the Columbia River on the south; and being bordered by dry scab rock hills and mountains on the north, east and west, and the Columbia River to the south, this described site is determined to be a reasonable location for a quarantine area, and contains the only known bees in Washington state that were identified as having had Varroa mite.

Locations in the county suitable to beekeeping are isolated at a suitable distance to protect bees from contamination by the department quarantine bee yard sites. Historically and today, Klickitat county contains very few resident bees or apiculture operations and very little bee pasture.

NEW SECTION

WAC 16-470-620 VARROA MITE—RESTRICTIONS—INTERIOR. (1) To protect the national migratory beekeeping industry, all colonies leaving the state may be required to be certified as apparently free from Varroa mite prior to movement.

(2) Any apiculture operation located in the designated quarantine area of Klickitat county or honey bee colonies located therein shall not be removed therefrom until treated by the department as specified by the United States Department of Agriculture and found free of Varroa mite.

(3) No colonies presently outside of the designated quarantine area boundaries in Klickitat county shall be moved into that designated quarantine area without the express permission of the department: **PROVIDED**, That colonies of bees shall be permitted to transit through the designated area as specified by the United States Department of Agriculture to and from other locations.

(4) Any colonies found to be in Washington state without Varroa-free certification as specified by the

United States Department of Agriculture may be required to be moved to the quarantine area of Klickitat county pending survey by the department, or as specified by the United States Department of Agriculture.

(5) All colonies found with Varroa mite upon survey by the department may be required to be moved to the quarantine area of Klickitat county pending disposition procedures.

WSR 88-09-003

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Natural Heritage Advisory Council)**

[Memorandum—April 8, 1988]

During May, 1988, the Natural Heritage Advisory Council will meet on May 11, 1988, 9:00 a.m. to 6:00 p.m., Cascade Natural Gas Meeting Room, 614 North Mission, Wenatchee, WA 98801.

Regular council business will include consideration of natural area preserve recommendations and management activities relating to natural area preserves.

For further information contact the Department of Natural Resources, Washington Natural Heritage Program, Division of Land and Water Conservation, Mailstop EX-13, Olympia, WA 98504, (206) 753-2449.

WSR 88-09-004

**EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 88-16—Filed April 8, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is adopted at the recommendation of the Pacific Fisheries Management Council to provide harvest of available bottomfish stocks while conserving the resource.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-44-05000M COASTAL BOTTOM-FISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective immediately until further notice it is unlawful to possess, transport through the waters of the state, or land in any Washington State port bottomfish taken for commercial purposes from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) *Widow Rockfish (Sebastes entomelas)* – 30,000 pounds per vessel trip per calendar week, defined as Wednesday through the following Tuesday. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds per calendar week.

(2) *Shortbelly rockfish (Sebastes jordani)* and *Idiot Rockfish (Sebastes spp.)* – no maximum poundage per vessel trip; no minimum size.

(3) *Pacific ocean perch (Sebastes alutus)* – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 per cent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) – 25,000 pounds of all other species combined per vessel trip per calendar week, defined as Wednesday through the following Tuesday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*) except that a fisherman having made a 1988 declaration of intent, may make either one landing of no more than 50,000 pounds of all other species combined per vessel trip biweekly, defined as Wednesday through the second Tuesday following of which no more than 20,000 pounds may be yellowtail rockfish or two landings of not more than 12,500 pounds of all other species in any one calendar week of which no more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The 1988 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building Olympia, Wa., 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fishermen, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop

such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made. The date of first landing will determine the beginning of biweekly periodicity. Biweekly periodicity will restart after any landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) **Sablefish** –

(a) **Trawl vessels** – No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 20 per cent or less of total weight of fish on board, or 6,000 pounds, round weight (to convert from round weight to dressed weight, multiply the dressed weight by 1.75), whichever is greater, with a limit of no more than two vessel trips per week. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Trawl vessels are allowed an incidental catch less than the minimum size of 5,000 pounds, round weight, per trip.

(b) **Non-trawl vessels** – No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Non-trawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight, per trip.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 88-09-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-17—Filed April 8, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary

to public interest. A statement of the facts constituting the emergency is harvest rates indicate lower population levels of targeted surfperch. Restrictions are needed to conserve remaining stocks but allow limited commercial harvest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
 APPROVED AND ADOPTED April 8, 1988.

By Judith Merchant
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-48-06200C DRAG SEINE — SEASONS. Notwithstanding the provisions of WAC 220-48-062, effective April 19, through May 14, 1988, it is unlawful to fish for bottomfish taken for commercial purposes with drag seine gear except on Tuesday of each week, and unlawful to possess bottomfish taken with drag seine gear, unless taken on Tuesday.

WSR 88-09-006
ADOPTED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
 [Order 88-1—Filed April 11, 1988]

I, Paul Dziedzic, director of the Department of Services for the Blind, do promulgate and adopt at 3411 South Alaska Street, Seattle, WA 98118-1631, the annexed rules relating to:

Amd ch. 67-10 WAC Public records disclosure.
 Amd ch. 67-25 WAC Vocational rehabilitation and services to blind people.

This action is taken pursuant to Notice No. WSR 88-04-016 filed with the code reviser on January 22, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Services for the Blind as authorized in chapter 74.18 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
 APPROVED AND ADOPTED April 10, 1988.

By Paul Dziedzic
 Director

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-020 DESCRIPTION OF ORGANIZATION OF THE DEPARTMENT. (1) Central organization. The chief executive officer of the department is the director. The director shall be appointed by the governor, with the consent of the senate.

(2) Advisory council. The advisory council consists of at least six members of which a majority shall be blind. The members are appointed by the governor. Terms are for a period of three years. Advisory council members elect one of their members as chair for a term of one year.

(3) ~~((The department has two sections: Administrative services and field services which are each headed by an assistant director.~~

~~(4) Field))~~ Organization. (a) The vocational rehabilitation program is operated statewide with ~~((two))~~ one supervisor(s). (b) The business enterprise program is operated under one supervisor. (c) The agency operated Orientation and Training Center at 3411 S. Alaska St., Seattle is operated under one supervisor. (d) The state-wide child and family services program is operated under one supervisor. (e) The ~~((medical assistance))~~ independent living program is operated under one supervisor.

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-030 LOCATION OF ESTABLISHED PLACES. Location of established places where information about the department may be obtained and department's public records inspected and copied.

(1) Olympia office. The office of the director and the administrative office of the department is located at ~~((921 Lakeridge Drive #202))~~ 521 East Legion Way, Olympia, WA 98504.

(2) Seattle office. The main field office ~~((for field services))~~ is located at 3411 South Alaska St., Seattle, WA 98118.

(3) Field offices. (a) General information about the department may also be obtained at its service locations or major field offices at the following places: ~~((921 Lakeridge Drive))~~ 521 East Legion Way, Olympia, WA 98504; W. 55 Mission, ((Rm. 115)) Suite 3, Spokane, WA 99201; ~~((601 W. Evergreen, P.O. Box 751))~~ 500 West 8th, Suite 18, Vancouver, WA 98666; ~~((Morris Bldg., 23 S. Wenatchee Ave., Wenatchee, WA 98801; 32 N. 3 St., Rm. 316))~~ 1600 West Perry, Bldg. 1 Suite D, Yakima, WA 98901; 1201 South Proctor, Tacoma, WA 98405. (b) Information about ~~((medical assistance))~~ the independent living program, ~~((business enterprises for the blind.))~~ and child and family services can be obtained at the Seattle office, 3411 South Alaska St., Seattle, WA 98118.

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-040 OPERATIONS AND PROCEDURES. The general course and method of channeling

and determining the operations of the ~~((two sections))~~ department and the nature of requirements of all formal and informal procedures connected therewith are summarized in the following subsections:

(1) Administrative services. This section manages all personnel, training, budget, data processing, and properties management for the department. It prepares budgets and reports, collects funds, certifies and pays invoices. It is responsible for state and federal reports. It provides staff to the advisory council members. Many of the functions of the administrative services section are subject to Washington Administrative Code provisions as authorized by law to be adopted by other departments and enforced by the department.

(2) Field services. This section provides services to all of the department's clients and keeps records of these services.

(a) Vocational rehabilitation. This unit provides a wide array of services to individuals whose disability causes a substantial handicap to employment where there is a reasonable expectation that services will provide a benefit in terms of employability. The primary source of funds for this program is federal, and it is subject to federal regulation.

(b) Business enterprise program. This program assists in the development and maintenance of vending operations operated by blind individuals in public buildings. It is funded by a combination of state and federal funds and is subject to federal regulations. A restricted fund generated by vending machine revenue also funds business enterprise program activities.

~~((Medical assistance. This program provides medical services to restore vision or minimize vision loss through medical treatment. This program serves people who do not meet the eligibility criteria of the medical assistance eye care program operated by the department of social and health services. Medical eligibility for prescribed services is determined by the department. This program is state funded.))~~ Independent living program. This program provides training, equipment, and goods and services needed by blind persons to achieve or maintain their independence. It is funded by a combination of grant funds from the federal government and from state funds.

(d) Child and family services. This program serves blind children and their families. Caseworkers work directly with children and parents. In addition, school personnel and other service providers are assisted in working with blind children by consultation and training. This program is state funded.

(e) Orientation and training center. This program is operated at 3411 South Alaska St., Seattle, WA 98118. It provides training in alternative skills, personal adjustment, and assessment for full-time blind students. Students live in a privately owned residential facility located nearby.

(f) Other programs. The department may establish such additional programs as the department deems necessary to carry out its legislative purpose.

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-060 PUBLIC RECORDS OFFICER. The public records officer for the department shall be the ~~((assistant))~~ deputy director ~~((of administrative services))~~, as designated by the director, for all records maintained by the department whether located at the central office thereof at Olympia, Washington, or at such other offices throughout the state maintained by the department. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the department in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.320, and maintaining the records index of the department as required.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE. The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Certification of ineligibility. When it has been determined ~~((beyond any reasonable doubt))~~ by clear evidence that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his/her parent, guardian or other representative, or after affording a clear opportunity for such consultation.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-400 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE. (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him/her to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services may be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until

such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

~~((4) Maintenance services provided in connection with diagnostic services shall be provided without regard to the economic need of the client. The provision of maintenance services in connection with any other type of service shall be conditioned on the economic need of the client.))~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-404 VOCATIONAL REHABILITATION SERVICES—TRANSPORTATION. (1) The department will provide or cause to be provided, within budget constraints, necessary travel and related expenses required to transport clients, thereby enabling them to receive services necessary for the achievement of vocational rehabilitation objectives.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances.

(b) Food and/or lodging while in travel status.

(c) Attendants or escorts for clients and the attendants' or escorts' travel costs.

(d) Reimbursement for relocation and moving expenses when a satisfactory adjustment to a job has been made and job security has been established.

~~((3) Transportation, except as provided during diagnostic services, will be provided based on economic need.))~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-570 FAIR HEARING. (1) Any client dissatisfied with the finding of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the department of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the Department of Services for the Blind at ~~((921 Lakemidge Drive))~~ 521 East Legion Way, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.

~~((5) A client not satisfied with the decision of the director may request a review of the director's decision by the secretary of the federal education department on the individual written rehabilitation program.))~~

WSR 88-09-007
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 536—Filed April 12, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial fire tool requirements to May 1, 1988, for all of Washington.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is postponing the "closed season" for industrial requirements until May 1, 1988, for all of Washington, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.005 and 76.04.015 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1988.

By Brian J. Boyle

NEW SECTION

WAC 332-26-010 "CLOSED SEASON" The period from May 1, 1988 to October 15, 1988 shall be known as the closed season for industrial fire tool requirements.

WSR 88-09-008
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed April 12, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning Agency lobbying—Constituent group relations, new WAC 390-20-056;

that the agency will at 9 a.m., Tuesday, April 26, 1988, in the 2nd Floor Conference Room, Evergreen Plaza Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 26, 1988.

The authority under which these rules are proposed is RCW 42.17.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 26, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-04-063 filed with the code reviser's office on February 2, 1988.

Dated: April 11, 1988
 By: Graham E. Johnson
 Executive Director

WSR 88-09-009
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—April 1, 1988]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Washington Technology Center.

1988 REGULAR MEETING SCHEDULE

The following regular meeting dates are established for calendar year 1988:

February 4	Seattle, University of Washington
June 2	Seattle, Seattle University
September 15	Pullman, Washington State University (9:30 a.m.)
December 1	Seattle, University of Washington

Unless otherwise indicated or announced, the boards regular meetings are held on the first Thursday of the month and will start at 9:00 a.m.

WSR 88-09-010
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed April 12, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning:

New	WAC 326-20-091	Size standards—Purpose.
New	WAC 326-20-092	Small business concern requirement.
New	WAC 326-20-093	Definitions.
New	WAC 326-20-094	Application of size standard.
New	WAC 326-20-095	Determination of firm size.
New	WAC 326-20-096	Sturaa project size standard.
New	WAC 326-20-097	Change in firm size.
New	WAC 326-20-098	Applicability of federal regulations.
Amd	WAC 326-20-171	Denial of certification—Show cause review.
Amd	WAC 326-20-172	Decertification of firms.
Amd	WAC 326-20-180	Effect of certification.
Amd	WAC 326-20-185	Recertification.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1988.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is RCW 39.19.030.

This notice is connected to and continues the matter in Notice No. WSR 88-06-074 filed with the code reviser's office on March 2, 1988.

Dated: April 12, 1988
By: Ralph C. Ruff
Director

APPROVED AND ADOPTED April 11, 1988.
By Michael V. Schwisow
Deputy Director

WSR 88-09-011
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES

[Memorandum—April 12, 1988]

**DISHMAN HILLS NATURAL RESOURCES CONSERVATION
AREA ACQUISITION**

May 19, 1988, Redeemer Lutheran Church, South 3606
Schafer Road, Spokane, WA 99212.

Receive public input on the Department of Natural Resources' proposal to acquire available property within the proposed boundary of the area known as Dishman Hills.

Written statements must be received by 4:00 p.m., May 30, 1988. Send comments to the Department of Natural Resources, Land and Water Conservation, Mailstop EK-12, Olympia, WA 98504.

WSR 88-09-012
NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN

[Memorandum—April 11, 1988]

The Board for Volunteer Firemen will next meet in Suite 207, the Olympia Forum Building, 605 11th Avenue S.E., Olympia, Washington on April 22, 1988, at 9:00 a.m.

WSR 88-09-013
ADOPTED RULES
DEPARTMENT OF AGRICULTURE

[Order 1973—Filed April 12, 1988]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to restricted use herbicides, chapters 16-230, 16-231 and 16-232 WAC.

This action is taken pursuant to Notice No. WSR 88-06-071 filed with the code reviser on March 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 15.58 and 17.21 RCW and is intended to administratively implement that statute.

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

NEW SECTION

WAC 16-230-475 RESTRICTED USE HERBICIDES—DISTRIBUTION, USE, AND APPLICATION. The distribution, use, and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-130 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—AREA 3. (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to state Highway 260; thence southerly along state Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1A to the Franklin-Adams County line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1950, filed 9/1/87)

WAC 16-231-145 RESTRICTED USE HERBICIDES—FRANKLIN COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 1A, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 on and after April 1 through October 31 when the mean sustained wind velocity is over ten miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom

sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-231-950 RESTRICTED USE HERBICIDES—DISTRIBUTION, USE, AND APPLICATION. The distribution, use, and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-231-035 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-150 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-240 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-345 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-430 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-535 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-625 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-730 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-845 DISTRIBUTION, USE AND APPLICATION.
 WAC 16-231-940 DISTRIBUTION, USE AND APPLICATION.

AMENDATORY SECTION (Amending Order 1923, filed 4/6/87)

WAC 16-232-035 RESTRICTED USE HERBICIDES—WALLA WALLA COUNTY—WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A (~~and~~), 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: PROVIDED FURTHER, That applications of restricted use herbicides shall be allowed in winds up to and including twenty miles per hour when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department shall consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved

hooded boom sprayer. Approval shall be based on research data.

NEW SECTION

WAC 16-232-950 RESTRICTED USE HERBICIDES—DISTRIBUTION, USE, AND APPLICATION. The distribution, use, and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

REPEALER

The following sections of the Washington Administrative Code are repealed:

16-232-040 DISTRIBUTION, USE AND APPLICATION.
 16-232-130 DISTRIBUTION, USE AND APPLICATION.
 16-232-230 DISTRIBUTION, USE AND APPLICATION.
 16-232-320 DISTRIBUTION, USE AND APPLICATION.

WSR 88-09-014 ADOPTED RULES LOTTERY COMMISSION [Order 109—Filed April 13, 1988]

Be it resolved by the Washington State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

New	WAC 315-11-320	Definitions for Instant Game Number 32 ("Double Decker").
New	WAC 315-11-321	Criteria for Instant Game Number 32.
New	WAC 315-11-322	Ticket validation requirements for Instant Game Number 32.

This action is taken pursuant to Notice No. WSR 88-06-049 filed with the code reviser on March 1, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1988.

By Scott Milne
Deputy Director

NEW SECTION

WAC 315-11-320 DEFINITIONS FOR INSTANT GAME NUMBER 32 ("DOUBLE

DECKER"). (1) Play symbols: The following are the "play symbols":

- \$ 1.00
 - \$ 5.00
 - \$10.00
 - \$50.00
 - \$ 500
- 

One of these play symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 32, the captions which correspond with and verify the play symbols are:

<u>PLAY NUMBER</u>	<u>CAPTION</u>
\$ 1.00	ONE DOL
\$ 5.00	FIV DOL
\$10.00	TEN DOL
\$50.00	\$FIFTY\$
\$ 500	FIV HUN
	*JOKER*

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 2000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 32 constitute the "pack number" which starts at 2000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 32, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of nine locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
FIV	\$ 5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-321 CRITERIA FOR INSTANT GAME NUMBER 32. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$ 1.00 play symbols		- Win	\$ 1.00
Two	\$ 1.00 play symbols and one		- Win	\$ 2.00
Three	\$ 5.00 play symbols		- Win	\$ 5.00
Two	\$ 5.00 play symbols and one		- Win	\$ 10.00
Three	\$ 10.00 play symbols		- Win	\$ 10.00
Two	\$ 10.00 play symbols and one		- Win	\$ 20.00
Three	\$ 50.00 play symbols		- Win	\$ 50.00
Two	\$ 50.00 play symbols and one		- Win	\$ 100.00
Three	\$500.00 play symbols		- Win	\$ 500.00
Two	\$500.00 play symbols and one		- Win	\$1000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 32 set forth in WAC 315-11-322, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 32; and/or

(b) Vary the number of tickets sold in Instant Game Number 32 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-322 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 32. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 32 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the main portion of the ticket.

(b) Each of the six play symbols must have a caption underneath, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Ealing 15 point font
Captions	5 x 12 Matrix font
Pack-Ticket Number	9 x 12 Matrix font
Validation Number	9 x 12 Matrix font
Retail Verification Code	7 x 12 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-320(1) and each of the captions must be exactly one of those described in WAC 315-11-320(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 88-09-015

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-6, Resolution No. 88-6—Filed April 13, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Building, Seattle, Washington, that it does adopt the annexed rules relating to exempt vessels, WAC 296-116-360.

This action is taken pursuant to Notice No. WSR 88-05-019 filed with the code reviser on February 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 10, 1988.

By Marjorie T. Smitch
Assistant Attorney General

NEW SECTION

WAC 296-116-360 EXEMPT VESSELS. Under the authority of RCW 88.16.070, application may be made to the board of pilotage commissioners to seek exemption from the pilotage requirements for the operation of a limited class of small passenger vessels or yachts, which are not more than five hundred gross tons (international), do not exceed two hundred feet in length, and are operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia. The owners or operators of such vessel or vessels must:

(1) Seek exemption at least sixty days prior to planned vessel operations in the Puget Sound pilotage district.

(2) Submit the petition requesting exemption to the chairperson, Washington state board of pilotage commissioners, with details concerning description of the vessel, the contemplated use of vessel, the proposed area of operation, the name and address of the vessel's owner, and the dates of planned operations. The board shall

hold a hearing at a regularly scheduled board meeting to consider such exemption request.

The board, when granting such an exemption, may establish such conditions they deem necessary so that such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington.

One such condition shall be that the master of the vessel, shall at all times, hold as a minimum, a United States government license as a master near Coastal of Steam or motor vessel of not more than sixteen hundred gross tons (inspected vessel).

The board shall annually, or at any other time when in the public interest, review any exemptions granted to the specified class of small vessels to ensure that each exempted vessel remains in compliance with the original exemption and any conditions to the exemption. The board shall have the authority to revoke such exemption when there is not continued compliance with the requirements for exemption.

WSR 88-09-016

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-7, Resolution No. 88-7—Filed April 13, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Building, Seattle, Washington, that it does adopt the annexed rules relating to procedure for request by steamship company or agent that certain pilots not be assigned to certain vessels for specific safety reasons, WAC 296-116-400.

This action is taken pursuant to Notice No. WSR 88-05-020 filed with the code reviser on February 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 10, 1988.

By Marjorie T. Smitch
Assistant Attorney General

NEW SECTION

WAC 296-116-400 PROCEDURE FOR REQUEST BY STEAMSHIP COMPANY OR AGENT THAT CERTAIN PILOTS NOT BE ASSIGNED TO CERTAIN VESSELS FOR SPECIFIC SAFETY REASONS. When a steamship company or agent believes a particular pilot should not be assigned to pilot

that company's vessels for specific safety reasons, a detailed written request, limited to specific safety concerns, may be submitted to the board. In order to be considered, the request must be submitted within ten days of the alleged act or omission causing their specific safety concern.

The board shall investigate the request and shall conduct a hearing at a regularly scheduled board meeting not more than sixty days following receipt of the request and notification of interested persons. The pilot shall be notified in writing and provided with documentation in accordance with WAC 296-11-450. The board shall notify the steamship company or agent and pilot in writing of its subsequent decision and reasons therefore.

In the event that the request is approved, the board shall give the affected pilot a specific list of vessels for which that pilot shall not provide pilotage services as well as the length of time covering such restriction.

WSR 88-09-017

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-8, Resolution No. 88-8—Filed April 13, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Building, Seattle, Washington, that it does adopt the annexed rules relating to definition of Grays Harbor pilotage district, WAC 296-116-410.

This action is taken pursuant to Notice No. WSR 88-05-021 filed with the code reviser on February 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 10, 1988.

By Marjorie T. Smith
Assistant Attorney General

NEW SECTION

WAC 296-116-410 DEFINITION OF GRAYS HARBOR PILOTAGE DISTRICT. The Grays Harbor pilotage district shall have an outer boundary line between Grays Harbor and Willapa Harbor and the high seas which shall be seaward of a line from Point Brown rear range light to Grays Harbor entrance lighted whistle buoy number three, (latitude N 46-55.00, longitude 124-14.42 W), thence to Grays Harbor entrance lighted whistle buoy number two (latitude N 46-52.43, longitude 124-12.35 W), thence to Grays Harbor light and from the Willapa Bay light to the Willapa Bay approach

lighted whistle buoy "W" (latitude N 46-41.50, longitude 124-10.46 W), thence to the charted northernmost position of Leadbetter Point.

WSR 88-09-018

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1974—Filed April 13, 1988—Eff. June 1, 1988]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Washington Barley Commission assessments and collections to increase the assessment on barley, WAC 16-530-040.

This action is taken pursuant to Notice No. WSR 87-24-045 filed with the code reviser on November 30, 1987. These rules shall take effect at a later date, such date being June 1, 1988.

This rule is promulgated pursuant to chapter 15.66 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 13, 1988.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1857, filed 5/22/85, effective 7/1/85)

WAC 16-530-040 ASSESSMENTS AND COLLECTION. (1) Assessments. The assessment on barley shall be (~~one-half of~~) one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the barley is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the barley commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of barley sold, under any or all of the methods of collection set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the barley commission: PROVIDED, HOWEVER, That no assessment shall be levied or collected on barley grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the barley commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the barley marketing order.

At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of the assessment rate. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

WSR 88-09-019

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1975—Filed April 13, 1988—Eff. June 1, 1988]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Washington Wheat Commission assessments and collections to increase the assessment on wheat, WAC 16-528-040.

This action is taken pursuant to Notice No. WSR 87-24-046 filed with the code reviser on November 30, 1987. These rules shall take effect at a later date, such date being June 1, 1988.

This rule is promulgated pursuant to chapter 15.66 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 13, 1988.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1765, filed 5/6/82, effective 7/1/82)

WAC 16-528-040 ASSESSMENTS AND COLLECTION. (1) Assessments. The annual assessment on wheat shall be ~~((one-quarter))~~ one-half of one percent of the net receipts at the first point of sale. The assessment shall be levied and paid by the producer, or deducted, as provided in this section, whether the wheat is sold in this or any other state.

(2) Collection of assessments. The collection of the assessment made and levied by the wheat commission, pursuant to the provisions of the act, shall be paid by the producer thereof upon all commercial quantities of wheat sold, processed, stored or delivered for sale, processing or storage by him, under any or all of the methods of collections set forth in RCW 15.66.150, in accordance with rules and regulations to be promulgated by the wheat commission: **PROVIDED, HOWEVER,** That no assessment shall be levied or collected on wheat grown and used by the producer for feed, seed, or personal consumption.

(3) Funds. All moneys collected by the wheat commission shall be used only for the purposes of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of the act and the wheat marketing order. At the end of each fiscal year, the commission shall credit each producer with any amount paid by such producer in excess of ~~((one-quarter of one percent of the net receipts at the point of sale))~~ the assessment. Refund may be made only upon satisfactory proof given by the producer in accordance with reasonable rules and regulations prescribed by the director.

WSR 88-09-020

PROPOSED RULES

GAMBLING COMMISSION

[Filed April 13, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning new sections WAC 230-02-280, 230-02-290, 230-08-017 and 230-30-072; and amendatory sections WAC 230-04-065, 230-04-190, 230-04-201, 230-04-260, 230-08-010, 230-08-025, 230-08-130, 230-30-015 and 230-30-018;

that the agency will at 10:00 a.m., Friday, June 10, 1988, in the Thunderbird Inn, Wenatchee, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 9.46.070 (8), (11) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1988.

Dated: April 13, 1988

By: Frank L. Miller
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 230-02-280 Identification and inspection services stamp; 230-02-290 Records entry labels; 230-04-065 ~~((Lesser requirements for applicants for certain classes of licenses to operate bingo, raffles, amusement games and fund raising events))~~ simplified application form authorized for lower volume gambling activities; 230-04-190 Issuance of license; 230-04-201 Fees; 230-04-260 Effect of exceeding license class income limit; 230-08-010 Monthly records; 230-08-017 Control and use of identification and inspection services stamps; 230-08-025 Accounting records to be maintained by distributors and manufacturers; 230-08-130 Quarterly activity reports by operators of punchboards and pull tabs; 230-30-015 ~~((Identification and inspection services stamp and))~~ substitute flares; 230-30-018 ~~((Sellers of punchboards, pull tabs, or pull tab dispensing devices to put commission stamp numbers on invoices))~~ transfer of any gambling devices requiring identification and inspection services stamps to be affixed requirement for documentation; and 230-30-072 Punchboards and pull tab inventory and retention requirements.

Description of Purpose: These rules implement a new inventory control program; adjust license class fees and the payment schedule for said fees.

Statutory Authority: RCW 9.46.070(14) for WAC 230-02-280, 230-02-290, 230-04-065, 230-04-190, 230-04-201, 230-04-260 and 230-08-010; RCW 9.46.070 (8) and (14) for WAC 230-08-017, 230-08-025, 230-08-130 and 230-30-015; and RCW 9.46.070 (11) and (14) for WAC 230-30-018 and 230-30-072.

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-02-280 defines identification and inspection service stamps; WAC 230-02-290 defines records entry labels; WAC 230-04-065 adds two limited

activities under the simplified license application; WAC 230-04-190 requires all licenses to expire at the end of a quarter; WAC 230-04-201 adds new classes to punchboard - pull tab licenses and changes amusement games from net to gross basis for determining proper classification; WAC 230-04-260 sets forth a new program for exceeding license class limit and includes exceeded class penalty; WAC 230-08-010 implements inventory control program to allow for better audit trail; WAC 230-08-017 utilizes new stamps and implements bar code inventory program at manufacturer and distributor level; WAC 230-08-025 implements inventory control program at manufacturer and distributor level; WAC 230-08-130 implements inventory control program at operator level; WAC 230-30-015 is necessary to implement the inventory control program and bar code program; WAC 230-30-018 is necessary to implement the inventory control program and bar code program; and WAC 230-30-072 replaces WAC 230-08-170 and implements a new inventory control program.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director, 234-1075 scan, 753-1075 comm and Frank L. Miller, Deputy Director, 234-1075 scan, 753-1075 comm, located at Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff.

Agency Comments: The agency believes the proposed amendment and new rule are self-explanatory and need no further comment.

This amendment and new rule were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

NEW SECTION

WAC 230-02-280 IDENTIFICATION AND INSPECTION SERVICES STAMPS. Identification and inspection services stamps are printed under the control of the commission for purposes of identifying and controlling gambling devices within the state of Washington. Each stamp is pre-glued and imprinted with the seal of the commission and an unique number or combination of alpha characters and numbers.

NEW SECTION

WAC 230-02-290 RECORDS ENTRY LABELS. Record entry labels are a set of removable, pre-glued labels, attached to identification and inspection services stamps and imprinted with the same unique number or combination of alpha characters and numbers as the stamp, plus an electronically identifiable bar code equivalent of the identification number. These labels are attached to a punchboard or pull tab series flare by the manufacturer of the punchboard or pull tab at the same time the identification and inspection services stamp is attached. These labels may only be removed and used as record entries as prescribed by other rules of this section.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-065 ~~((LESSER REQUIREMENTS FOR APPLICANTS FOR CERTAIN CLASSES OF LICENSES TO OPERATE~~

~~BINGO, RAFFLES, AMUSEMENT GAMES AND FUND RAISING EVENTS)) SIMPLIFIED APPLICATION FORM AUTHORIZED FOR LOWER VOLUME GAMBLING ACTIVITIES. ((Notwithstanding the provisions of WAC 230-04-060, the following provisions shall apply to:)) (1) The director may prepare a simplified license application form for bona fide charitable and nonprofit organizations conducting the following activities:~~

~~((1)) (a) Fund raising events((-)) (All classes);
((2)) (b) Bingo((-)) (Classes A and B);
((3)) (c) Raffles((-)) (Classes ((-and-)) A, B, and C); and
((4)) (d) Amusement games((-Those amusement games which are conducted under a Class A, B, or C license on the premises of property owned by a corporation sole or by a public school (kindergarten through grade 12), college, or university where the annual net receipts of the licensee from the licensed activity do not exceed \$5000 and where the licensed activity is conducted by a bona fide charitable or nonprofit organization.~~

~~(5) For the above categories only, the director may prepare a simplified form which all applicants shall submit to the office of the commission in Olympia. The information requested on the simplified application form shall be submitted to the commission by the applicant's highest ranking executive officer. At the minimum, each applicant shall provide the following information on or attached to the application:)) (Classes A, B, and C).~~

~~(2) The simplified application form shall follow the same procedure as required by WAC 230-04-020.~~

~~(3) At the minimum, the following information and documents shall be submitted with the application:~~

~~(a) Copy of a corporate applicant's articles of incorporation and by-laws((-a partnership applicant's articles and partnership agreement; copies)) or, if not incorporated, a copy of any bylaws and other documents which set out the organizational structure and purposes for which a noncorporate organization applicant was formed and operates((-or-)). If the above documents are not available, an affidavit of the chief officer or responsible person with the organization setting out the purpose for which the organization exists and operates;~~

~~(b) ((Information as to whether or not a) A copy of the tax exemption letter from the United States Internal Revenue Service ((has been obtained or)) or information as to whether such exemption has been applied for and denied;~~

~~(c) The name, address and date of birth of each employee who will participate in the operation of, and of each person who will participate in the management of, the activity for which the license is sought;~~

~~(d) The name, address and date of birth of each person who has any interest in the gambling activity for which the license is sought, the building within or premises upon which the activity will occur or the equipment to be used for such gambling activity;~~

~~(e) When information filed with the commission becomes inaccurate in any way, the applicant or licensee shall submit full details of any such change and correct any inaccuracy, together with copies of any new required documents with the commission within 30 days following the change.~~

~~((6)) (4) Refer to WAC 230-20-400 for certain other exemptions subsequent to issuance of license(s). These exemptions and those referred to in WAC 230-08-015, do not apply to fund raising events.~~

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

AMENDATORY SECTION (Amending Order 172, filed 10/9/87)

WAC 230-04-190 ISSUANCE OF LICENSE. (i) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or ~~((to-qualified bona fide))~~ nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

(a) Bingo;
(b) Raffles;
(c) Amusement games;
(d) Punchboards and pull tabs;
(e) ~~((To allow its premises to be used only by bona fide members and guests to play authorized card games. The operation of each of these activities shall require a separate license from the commission:)) Social Cards; and~~

(2) Fund raising event as defined in RCW 9.46.02((6))33. The commission may issue a license to a bona fide charitable or bona fide

nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and
- (d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That

(a) All annual licenses for punchboard and pull tab and class c and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31, whichever date is closest to the license issuance date and does not exceed one year. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the Commission. This prorating of fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. Prorating shall be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the

activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

~~((b))~~ (b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

~~((c))~~ (c) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

~~((d))~~ (d) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

~~((e))~~ (e) Licenses issued for fund raising events shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.020~~((23))~~ 33 defining fund raising events.

(f) Licenses issued to individuals shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided that; licenses issued to bingo game managers shall expire as set out in WAC 230-04-145.

~~((g))~~ (g) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

~~((h))~~ (h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

(9) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

AMENDATORY SECTION (Amending Order 172, filed 10/9/87)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES		
	(Fee based on annual ((net)) gross receipts)	
Class A	(((\$500 or less)) Up to \$5,000	\$ ((35)) 50
Class B	(((\$501 - 1,000)) Up to \$10,000	((50)) 75
Class C	(((\$1,001 - 5,000)) Up to \$15,000	((75)) 100
Class D	(((\$5,001 - 15,000)) Up to \$25,000	250
Class E	over (((\$15,000)) \$25,000	((350)) 400
2. BINGO		
	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000

LICENSE TYPE	DEFINITION	FEE
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
<hr/>		
3. BINGO GAME MANAGER	Original	\$ 150
	Renewal	75
<hr/>		
4. CARD GAMES		
Class A	General (fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage - (fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (no fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
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5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s))	
	(See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	
	(See WAC 230-04-290)	25
DUPLICATE LICENSE REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
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6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300
Class B	One event not more than 72 consec. hrs.	500
Class C	Additional participant in joint event (not lead organization)	150
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7. PERMITS	Agricultural fair/special property bingo	
Class A	One location and event only (see WAC 230-04-191)	\$ 25
<hr/>		
8. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
Class A	Up to ((\$10,000)) <u>25,000</u>	\$ (300) <u>350</u>
Class B	Up to \$50,000	475
Class C	Up to \$100,000	960
Class D	Up to \$200,000	1,560
Class E	Up to \$300,000	2,360
Class F	Up to \$400,000	3,150
Class G	Up to \$500,000	3,775
Class H	Up to \$600,000	4,340
Class I	Up to \$700,000	4,825
Class J	Up to \$800,000	5,225
Class K	Over ((\$800,000)) <u>Up to \$1,000,000</u>	(5,900) <u>6,100</u>
Class L	<u>Up to \$1,500,000</u>	<u>8,250</u>
Class M	<u>Up to \$2,000,000</u>	<u>11,000</u>
Class N	<u>Up to \$2,500,000</u>	<u>13,750</u>
Class O	<u>Up to \$3,000,000</u>	<u>16,500</u>
Class P	<u>Over \$3,000,000</u>	<u>19,250</u>
<hr/>		
9. RAFFLES	(Fee based on annual net receipts)	
Class C	\$500 or less	\$ 50
Class D	\$501 - 5,000	100
Class E	\$5,001 - 15,000	400
Class F	Over \$15,000	600
<hr/>		
10. SEPARATE PREMISES BINGO ((RAFFLES	Occasion (see WAC 230-04-300) (See WAC 230-04-197)	\$ 25 (25)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
<u>EXCEEDING LICENSE CLASS</u>	(See WAC 230-04-260) <u>In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000 whichever is less.</u>	As required
12. SIX-MONTH PAYMENT PLAN	((The commission may allow an applicant to pay their fee in two payments during their annual renewal or submission of an additional or reinstatement application under 90 days: <u>FEE PROCEDURE</u> Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$800 and above:)) <u>The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.</u> <u>SIX-MONTH PAYMENT PLAN PROCEDURE:</u> <u>The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period. Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.</u>	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
I. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners – see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK	(See WAC 230-04-340(1))	50

LICENSE TYPE	DEFINITION	FEE
REPLACEMENT IDENTIFICATION STAMPS LICENSE TRANSFERS	(See WAC 230-30-016) (See WAC 230-04-125, 230-04-340 and 230-04-350)	25 50
3. DISTRIBUTOR	(Fee based on annual gross receipts ((for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund-raising event equipment:)))	Original Renewal
Class A	up to \$600,000	\$2,750 \$1,250
Class B	over \$600,000	\$2,750 \$1,700
4. DISTRIBUTOR'S REPRESENTATIVE	Original Renewal	\$ 220 110
5. MANUFACTURER	Original Renewal	\$3,300 1,650
6. MANUFACTURER'S REPRESENTATIVE	Original Renewal	\$ 220 110
7. PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$ 25 150
8. PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75
9. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
Class A	Up to \$(+0,000) <u>25,000</u>	\$ ((300)) <u>350</u>
Class B	Up to \$50,000	475
Class C	Up to \$100,000	960
Class D	Up to \$200,000	1,560
Class E	Up to \$300,000	2,360
Class F	Up to \$400,000	3,150
Class G	Up to \$500,000	3,775
Class H	Up to \$600,000	4,340
Class I	Up to \$700,000	4,825
Class J	Up to \$800,000	5,225
Class K	((Over \$800,000)) <u>Up to \$1,000,000</u>	((5,900)) <u>6,100</u>
Class L	Up to \$1,500,000	8,250
Class M	Up to \$2,000,000	11,000
Class N	Up to \$2,500,000	13,750
Class O	Up to \$3,000,000	16,500
Class P	Over \$3,000,000	19,250
10. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As Required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As Required
<u>EXCEEDING LICENSE CLASS</u>	(See WAC 230-04-260) In addition to all normal license fees, <u>a licensee may be assessed an exceeding class fee</u> <u>for a present or previous license year, not to exceed</u> <u>50% of the difference between the present class fee</u> <u>and the new license class or \$1,000 whichever is less.</u>	<u>As Required</u>

LICENSE TYPE	DEFINITION	FEE
11. SPECIAL LOCATION	(Fee based on annual ((net)) gross receipts)	
AMUSEMENT GAMES		
Class A	((One event per year lasting no longer than 12 consecutive days)) Up to \$25,000	\$ 500
Class B	(((\$25,000 or less)) Up to \$50,000	((500))750
Class C	(((\$25,001 - 100,000)) Up to \$100,000	1,500
Class D	(((\$100,001 - 500,000)) Up to \$250,000	((3,000))2,000
Class E	((Over \$500,000)) Up to \$500,000	((5,000))4,000
Class F	Over \$500,000	6,000
12. SIX-MONTH PAYMENT PLAN	((The Commission may allow an applicant to pay their fee in two payments during their annual renewal or submission of an additional or reinstatement application under 90 days.	\$ 25
	<p>FEE PROCEDURE <u>Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$800 and above.)) The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments.</u></p> <p>SIX-MONTH PAYMENT PLAN PROCEDURE: <u>The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period. Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.</u></p>	

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

remit such fees may result in a summary suspension of all licenses held by the licensee pending a hearing for the suspension or revocation of such licenses.

AMENDATORY SECTION (Amending Order 139, filed 12/12/83)

AMENDATORY SECTION (Amending Order 171, filed 8/18/87)

WAC 230-04-260 EFFECT OF EXCEEDING LICENSE CLASS INCOME LIMIT. (1) A licensee shall not exceed the class limit on annual gross or net receipts from the licensed activity.

WAC 230-08-010 MONTHLY RECORDS. Every person or organization licensed to operate any authorized gambling activity shall keep and maintain permanent monthly records of all of the activities of the licensee related to each licensed activity. Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records. These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-050 and 230-04-080. The record for each licensed activity shall be a separate unit, covering all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month. Each record shall include, but not necessarily be limited to, all details of the following:

(2) ((As soon as)) When it is apparent to a licensee that the licensee's class limit on annual gross or net receipts from licensed activity will be exceeded, ((#)) the licensee shall immediately notify the commission and shall apply for the license class which is proper, submitting the basic fee required ((therefor)) for the upgrade class less the amount originally submitted for the previous license, plus a change of classification fee required by WAC 230-04-201.

(1) The gross gambling receipts from the conduct of each of the activities licensed.

Any such additional license issued by the commission shall be valid only for the period which remains in the term of the previous license at the time such additional license is issued.

(2) Full details on all expenses related to each of the activities licensed.

(3) Any licensee failing to comply with the requirements set forth in paragraph (2) above and exceeds the license class limit within a present or previous license year, may be assessed an exceeding class fee not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less. Upon written notice by the Commission assessing an exceeding class fee, a licensee shall remit the proper fee plus all upgrade fees within 20 days. Failure to

(3) The total cost of all prizes paid out for each of the activities licensed.

(4) With respect to those organizations licensed as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records shall clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.

(5) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

(6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission and shall disclose for each set at minimum the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification and inspection services stamp number issued by the commission and placed thereon~~(:)~~; Provided, that after December 31, 1988, when records entry labels are attached to the punchboard or pull tab series flare, a label shall be attached to the record in lieu of a written entry;

~~(c) The series number of each pull tab series or punchboard;~~

~~(d) The date placed out for play;~~

~~(e) The date removed from play;~~

~~((f)) (d)~~ The total number of tabs in each pull tab series or the total number of punches in each punchboard;

~~((g)) (e)~~ The number of pull tabs or punches remaining after removal from play;

~~((h)) (f)~~ The number of pull tabs or punches played from the pull tab series or punchboard;

~~((i)) (g)~~ The cost to the players to purchase one pull tab or one punch;

~~((j)) (h)~~ The gross gambling receipts as defined in WAC 230-02-110;

~~((k)) (i)~~ The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

~~((l)) (j)~~ The net gambling receipts (gross gambling receipts less total prizes paid);

~~((m)) (k)~~ The cash over or short determined by (1) subtracting actual cash from net gambling receipts for punchboards and pull tabs which pay cash prizes, and (2) subtracting actual cash from gross receipts for punchboards and pull tabs which award merchandise prizes; and

~~((n)) (l)~~ The actual cash received from the operation of each pull tab series or punchboard; and,

In the alternative, with written commission approval, licensees operating pull tabs may record ~~((m)) (k)~~ and ~~((n)) (l)~~ in total on a daily, weekly, or monthly basis.

(7) Copies of all additional financial data which support tax reports to any and all governmental agencies.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 230-08-017 CONTROL AND USE OF IDENTIFICATION AND INSPECTION SERVICES STAMPS. No punchboard, series of pull tabs, or device for dispensing pull tabs shall be sold or purchased for use within this state until an identification and inspection services stamp obtained from the commission has been permanently and conspicuously affixed thereto. Once attached, such stamp shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

(1) Identification and inspection services stamps shall be sold only to licensed manufacturers. The fee charged for each stamp shall be twenty-five cents. After September 1, 1988, all punchboards and pull tabs

series manufactured, if for sale in Washington state must have identification and inspection stamps plus records entry labels attached. Manufacturers who have identification and inspection services stamps on hand after September 1, 1988, which do not have records entry labels attached, will be afforded the opportunity to exchange these stamps, one for one and without cost by submitting them to the commission's Olympia headquarters office prior to October 1, 1988. After October 1, 1988, any stamps returned will be exchanged only after payment of a ten cent service charge, for each stamp as set out in WAC 230-30-018;

(2) Identification stamps shall only be affixed to punchboards, pull tab series flares, and devices for dispensing pull tabs in such a manner as to assure reasonable inspection without obstruction. If punchboards or pull tabs series flares are packaged with protective materials, after stamps are affixed, then the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided that when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and service stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton. Stamps and records entry labels shall be affixed only by licensed manufacturers in the following manner:

(a) On the reverse side of all punchboards in an area that will not obstruct removal of punches: Provided, that if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punchboard in a manner that will not obstruct display of prizes available or other information required by rules of the Commission;

(b) On the face or reverse side of the flare for all pull tab series. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission; and

(c) On the outside of the main body of pull tab dispensing devices, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded.

(3) Identification and inspection services stamps shall not be attached to punchboards, pull tab series flares, or pull tab dispensing devices that do not comply with rules of the commission. Stamps shall not be affixed to any device prior to approval of the device by the commission.

AMENDATORY SECTION (Amending Order 132, filed 4/21/83)

WAC 230-08-025 ACCOUNTING RECORDS TO BE MAINTAINED BY DISTRIBUTORS AND MANUFACTURERS. Every licensed distributor and manufacturer shall keep and maintain a complete set of records which include all details of all activities of the licensee related to the conduct of the licensed activity. These records shall be recorded using the double entry accounting system and maintained in accordance with generally accepted accounting principles. This system shall also be on the same basis as the licensee's federal income tax return~~(, and shall include but not necessarily be limited to the following records by month:)~~. All records shall be maintained for a period of not less than three years following the end of the licensee's fiscal year. These records shall be updated at least once a month and provide a monthly balance for each account. The minimum record system shall include the following:

~~(1(:))~~ Sales invoices - ~~(every licensee shall use, for the purpose of recording sales of any and all types of goods and services, a general sales invoice which meets the following criteria and sets out the following information))~~ every manufacturer and distributor shall record every sale, return, or any other type of transfer of punchboards/pull tabs or pull tab dispensing devices by completing a standard sales invoice or credit memo. These invoices shall set out the following information:

~~(a(:)) ((P))~~ Each invoice must be prenumbered at the time of purchase. The numbering must be consecutive~~((ty))~~, using ~~((a number))~~ not less than four digits~~(:)~~; Provided, that manufacturers may use a computer generated numbering system if the same system is used for all sales and specific numbers can not be input by use of a manual override function;

~~(b(:))~~ The date of sale. For distributors only~~((:))~~; If the date of delivery is different, then ~~((also))~~ the delivery date must also be entered;

~~(c(:))~~ The customer's name and an adequate business address;

(d((-))) A full description of each item sold, including ~~((any state identification stamp number))~~ the identification and inspection services stamp number for each item. For all sales occurring after December 31, 1988, distributors shall use a standard invoice in a format prescribed and approved by the commission. A separate line shall be used for each stamp number. This invoice shall provide space for the operator to either attach a records entry label or enter the identification and inspection services stamp number and the date the device was placed out for play. These spaces shall be adjacent to the written entry of the I.D. stamp number made by the distributor;

(e((-))) The quantity and sales price of each individual item, including individual items of merchandise to be used as prizes on punchboards and pull tabs;

(f((-))) The gross amount of each sale to each customer including all discount terms and the total dollar amount of any discount;

(g((-))) The sales invoice shall be prepared in at least three parts; Provided that after December 31, 1988, all distributor invoices shall have at least four parts; and the invoices shall be distributed and maintained as follows:

((+))i) ~~((One))~~ The original shall be issued to the customer((-)); Provided that after December 31, 1988, an additional copy of distributor invoices shall be provided to the customer;

((2))ii) One shall be retained in an invoice file by customer name((-); and

((3))iii) One shall be retained in an invoice file by invoice number or in an alternative manner that accounts for each invoice numerically. This provision may be waived if the licensee receives written commission approval.

(h((-))) Credit memos for returned items shall be prepared in the same detail as items (a) through (g) above.

(2((-))) Sales journal - the sales journal shall contain at least, but not be limited to, the following by month:

- (a((-))) The date of the sale;
- (b((-))) The invoice number of the sale;
- (c((-))) The customer name or person remitting a payment;
- (d((-))) Sales shall be categorized at least by the following:
 - ((+))i) Punchboards that pay out cash prizes;
 - ((2))ii) Punchboards that pay out merchandise prizes;
 - ((3))iii) Pull tabs that pay out cash prizes;
 - ((4))iv) Pull tabs that pay out merchandise prizes;
 - ((5))v) Pull tab dispensing devices;
 - ((6))vi) Merchandise: Only that which is used as a prize on a punchboard or series of pull tabs.

((7))vii) Other types of sales including but not limited to, equipment leases, equipment sales, and bingo supplies.

(e((-))) Total amount of the invoice;

(3((-))) Cash disbursements book (check register) - this record shall include a recording of all checks issued by the licensee, cash payments made by the licensee, or payments made by any other means. All expenses by the licensee, both gambling and nongambling related, shall be documented by invoices or other appropriate supporting documents.

((and)) Entries to this record shall contain at least, but not limited to, the following information by month:

- (a((-))) The date the check was issued or payment made;
- (b((-))) The number of the check issued;
- (c((-))) The name of the payee; and
- (d((-))) ~~((Expenses))~~ Each disbursement shall be categorized by type of expense.

((All expenses by the licensee, both respecting its expenditures relating to gambling and nongambling activities, shall be documented by invoices or other appropriate supporting documents.))

(4((-))) Cash receipts - all cash receipts shall be recorded in an original book of entry whether it be a sales journal, a check register, or a separate cash receipts journal, and at a minimum shall include a recording of not only cash sales, but also cash received from all sources, and shall contain at least, but not limited to, the following by month:

- (a((-))) The date the payment was received;
- (b((-))) The name of the person remitting the payment;
- (c((-))) The amount of payment received;
- (5((-))) General ledger - each licensee whose gambling related sales exceed \$500,000 per year, shall have a general ledger which shall contain, in addition to all other accounts by month, a separate sales account for each type of sale.

(6((-))) Bank reconciliation - a bank reconciliation shall be performed each month. In addition, all undeposited funds at year end shall be reconciled in an account titled cash on hand.

(7((-))) Copies of all financial data which support tax reports to any and all governmental agencies.

(8((-))) Manufacturer shall maintain records that provide an accountability trail for all identification and inspection stamps purchased. These records shall include enough details to allow audit of all used, unused, and damaged stamps and includes the following minimum items:

- (a) The name of the purchaser;
 - (b) The date of the sale; and
 - (c) The invoice number recording the sale.
- (9) An alternative format may be used for sections 1(a), (1)((-)) (g)(ii), (1)(g)(iii), (1)(h), (2), and (3), above upon advance written approval from the commission.

((Each of these records shall be maintained for a period of not less than three years from the end of the licensee's fiscal year.))

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 161, filed 9/15/86)

WAC 230-08-130 QUARTERLY ACTIVITY REPORTS BY OPERATORS OF PUNCHBOARDS AND PULL TABS. Each licensee for the operation of punchboards and pull tabs shall submit an activity report to the commission concerning the operation of the licensed activity and other matters set forth below during each of the following periods of the year:

- January 1st through March 31st
- April 1st through June 30th
- July 1st through September 30th
- October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

The report form shall be furnished by the commission and the completed report shall be received in the office of the commission or post-marked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the highest ranking executive officer or his designee. If the report is prepared by someone other than the licensee or his employee then the preparer shall also sign the report.

The report shall be completed in accordance with the related instructions furnished with the report. The report shall include the following:

- (1) Gross sales, other than licensed gambling activities during the reporting period;
- (2) That portion of the gross sales that relates solely to the sale of food and drink for consumption on the premises;
- (3) The gross gambling receipts from punchboards and the gross receipts from pull tabs;
- (4) The total amount of cash prizes paid out and the cost to the licensee of all merchandise prizes paid out, for punchboards and for pull tabs;
- (5) Full details of all expenses related to the purchase and operation of punchboards and pull tabs; and
- (6) Total net gambling income.

(7) For the calendar quarter ending December 31, 1988, the number of punchboards and the number of pull tab series that were either in play and in inventory awaiting play as of the end of business on September 30, 1988;

(8) For all calendar quarters ending after September 30, 1988, the number of punchboards and the number of pull tabs series removed from play during the period; and

(9) For all calendar quarters ending after September 30, 1988, the number of punchboards and the number of pull tab series purchased during the period, less all un-played devices returned for credit during the period.

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-30-015 ((IDENTIFICATION AND INSPECTION SERVICES STAMP AND)) SUBSTITUTE FLARES. ((+)) No punchboard, series of pull tabs, or device for the dispensing of pull tabs shall be sold or purchased within this state or knowingly for use within this state or put out for play unless and until a stamp obtained from

~~the commission containing an identifying number, symbol or combination thereof has been permanently and conspicuously affixed thereto. Once placed, such stamp shall not be removed or tampered with by any person.~~

~~With respect to punchboards, the stamp shall be placed so the complete number, together with any symbol appearing thereon, is plainly visible:~~

~~With respect to series of pull tabs, the stamps shall be placed upon the dispensing device sold together with, and for that specific series or upon a flare furnished by the manufacturer for that series:~~

~~(2)) A substitute flare may be utilized on punchboards or pull tabs. Substitute flares shall have the Washington state identification and inspection services stamp number assigned to the punchboard or pull tab series permanently recorded in ink on the face of the substitute flare. Such flare shall also show the series number assigned to that ((series)) device by the manufacturer. If a ((different flare than the flare so stamped is used for display when the series of pull tabs is put out for play)) substitute flare is used for a pull tab series, then the manufacturer's flare, with the manufacturer's series number and ((with)) the identification and inspection services stamp obtained from the commission thereon, shall be attached to the back of the substitute flare in such a manner as to be clearly visible to a person playing the device.~~

~~The responsibility for ((placing)) recording the Washington state identification and inspection services stamp number on the substitute flare shall rest with the ((licensed operator):~~

~~(3) Stamps shall be placed only on items which conform to all requirements of this state's laws and the rules of this commission, and shall not be placed upon items not authorized for use within this state. Stamps shall be placed only upon those pull tab dispensing devices which have been approved by the commission pursuant to WAC 230-30-095:~~

~~(4) Identification stamps shall be obtained only from the commission, by a licensed manufacturer only, for twenty-five cents each. Fees obtained from the sale of such stamps shall be used to offset the cost of the stamps and their distribution as well as the punchboard/pull tab special inspection services set forth in WAC 230-30-030. Such stamps shall be placed by the licensed manufacturer only on items which he, himself, sells or furnishes, and shall not be transferred or furnished to any other person unless already placed upon a punchboard, series of pull tabs or pull tab dispensing device:~~

~~(5) No person not a licensed manufacturer shall obtain such stamps from any source, nor shall he affix such a stamp to any punchboard, series of pull tabs or pull tab dispensing device, after November 1, 1974:)) manufacturer, distributor, or operator who changes the original flare and attaches the substitute flare.~~

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

~~WAC 230-30-018 ((SELLERS OF PUNCHBOARDS, PULL TABS, OR PULL TAB DISPENSING DEVICES TO PUT COMMISSION STAMP NUMBERS ON INVOICES)) TRANSFER OF ANY GAMBLING DEVICES REQUIRING IDENTIFICATION AND INSPECTION SERVICES STAMPS TO BE AFFIXED-REQUIREMENT FOR DOCUMENTATION. (1) Persons selling or otherwise furnishing punchboards, pull tabs, or pull tab dispensing devices shall ((set out the commission stamp number of each item sold on each invoice and other documents used in connection with the sale:~~

~~Distributors shall account for each punchboard, pull tab series, and mechanical pull tab dispensing device which has a commission identification stamp affixed thereto. All punchboards, pull tab series, and mechanical pull tab dispensing devices returned to the manufacturer shall be listed by the commission identification stamp on an invoice used in connection with the transaction)) account for every such device received and/or transferred. All transfers shall be made by completing a sales invoice or credit memo. Each invoice or credit memo shall set out the identification and inspection services stamp number affixed to each device transferred.~~

~~(2) Manufacturers shall maintain records that will allow accountability for all identification and inspection services stamps issued to them by the commission, for at least three years after they are affixed to devices and sold. This accountability shall be by indefinite retention of unused or damaged stamps or by records as set out in WAC 230-08-025: Provided that damaged stamps may be returned to the Commission and will be replaced with serviceable stamps if they are accompanied by a detailed listing of the damaged stamp numbers and a ten cent per stamp service charge.~~

NEW SECTION

WAC 230-30-072 PUNCHBOARD AND PULL TAB INVENTORY AND RETENTION REQUIREMENTS. Each punchboard and pull tab series purchased or otherwise obtained by an operator shall be controlled and accounted for in the following manner:

(1) Each operator shall closely monitor punchboard and pull tab series purchased to assure that all identification and inspection service stamp numbers are correctly entered in all records and each device purchased is recorded. The following control procedures apply:

(a) After the close of business on September 30, 1988, and before operating punchboards and pull tabs after that date, each operator shall take a physical inventory of all punchboards and pull tabs in-play and awaiting play and record the following information separately for punchboards and pull tabs:

- (i) Name of game; and
- (ii) I.D. stamp number;

(b) At the time punchboards and pull tabs are delivered, each operator will assure that all purchase invoice data is correct by comparing the actual I.D. stamp numbers on each punchboard/pull tab series to the numbers entered on the purchase invoices;

(c) After December 31, 1988, all purchases of punchboards or pull tabs shall be recorded on a standard distributor's invoice, which includes space for the operator to either attach a records entry label or enter the identification and inspection stamp number and the date the device was placed out for play. For all punchboards or pull tab series purchased after December 31, 1988, the operator shall enter the date and the identification and inspection service stamp number in the space on the invoice, adjacent to the distributors entry, by either attaching a records entry label or by written entry;

(d) After December 31, 1988, if a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "Returned" on the original purchase invoice: Provided, that licenses may use a commission approved inventory log to comply with subsections (c) and (d) of this section;

(2) Each punchboard or pull tab series which is removed from operation, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator for at least four months following the last day of the month in which it was removed from play. The board, unplayed tabs, flare, and all winning punches or tabs shall remain available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies: Provided, that devices may be stored off premise if they are produced for inspection upon demand;

(3) Each punchboard or pull tab series which is not placed out for public play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by commission agents and/or local law enforcement and taxing agencies: Provided, that devices may be stored off premise if they are produced for inspection upon demand;

(4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: Provided, that the retention time required by subsection (2) above may be shortened by the commission upon inspection and written release by a commission agent.

WSR 88-09-021

ADOPTED RULES

GAMBLING COMMISSION

[Order 176—Filed April 13, 1988]

Be it resolved by the Washington State Gambling Commission, acting at Yakima, Washington, that it does adopt the annexed rules relating to new section WAC 230-20-699.

This action is taken pursuant to Notice No. WSR 88-05-029 filed with the code reviser on February 12, 1988. These rules shall take effect thirty days after they are

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

This rule is promulgated pursuant to RCW 9.46.070 (8), (11) and (14) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1988.

By Frank L. Miller
Deputy Director

NEW SECTION

WAC 230-20-699 SPECIAL AMUSEMENT GAME LICENSE - TEST AT LIMITED LOCATIONS. (1) Beginning June 1, 1988, the commission will conduct a twelve month test to determine the feasibility of allowing the operation of electronic crane and other self-dispensing amusement games at selected locations. For the purposes of this test, operators allowed to participate will be divided into three groups:

(a) Those applicants that possess a valid license from the Washington State Liquor Board and prohibit minors on their premises; and

(b) Those locations that are frequented by minors to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities; and

(c) Those applicants who operate adult-supervised family amusement centers in enclosed shopping centers which prohibit minors from entry during school hours, maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and which close at the same time as surrounding businesses within enclosed shopping centers.

(2) This test shall be conducted using the following rules and limitations:

(a) Each participant shall be required to obtain a class B through E "special location amusement game" license as set forth in WAC 230-04-201. For the purposes of this test, the operator of the business where the coin operated amusement game(s) is located and operated shall be licensed. If the amusement game(s) is owned by someone other than the premises operator, that person(s) shall also obtain a license;

(b) Licenses issued under this test will not be subject to the limitations as specified in WAC 230-20-380 and WAC 230-12-230;

(c) The maximum fee to play shall be \$1.00 per game at the locations specified in (1)(a) above, and 25 cents at the locations specified in (1)(b) and (c) above;

(d) The operator(s) cost for each merchandise prize offered shall be equal to or greater than the amount wagered per game;

(e) Prior to being put out for play, all games must be submitted to the Commission staff for testing and for ultimate approval by the Commission. Provided: The Director may approve electronic cranes for use in this

test that meet the standards set for in WAC 230-20-605 (2)(b);

(f) All games must be equipped with non-resettable "coin-in meters" to measure the gross revenue of each game;

(g) All games must have affixed a certification and identification stamp issued by the Commission. Each stamp shall cost \$30. Any such game located in an area authorized under 1(a), (b), or (c) which does not have this stamp attached, or licensed under this rule, shall be prima facie evidence of an unauthorized game being used and shall subject said game to immediate seizure and forfeiture under RCW 9.46.230;

(h) Such games shall not be subject to the prohibition on revenue sharing set forth in WAC 230-12-220; and

(i) All operators shall complete and submit a "special coin operated amusement game test" report, in a format provided by the Commission, on a monthly basis. This report shall be submitted no later than 15 days following the end of each month:

(3) This test shall expire on May 30, 1989, or at an earlier date if the Commission determines that it is in the public interest. At the end of the test period the Commission shall evaluate the test results and determine whether the limited locations contained in WAC 230-20-380 should be expanded for self-dispensing amusement games.

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

WSR 88-09-022

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-19—Filed April 14, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is insufficient numbers of herring are present to allow a directed fishery, and harvest of other species would cause an incidental mortality in herring stocks.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 12, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-49-02000X HERRING OPEN SEASONS. Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective immediately until further notice, it is unlawful to fish for or possess herring, candlefish, anchovy or pilchards taken for commercial purposes from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B.

WSR 88-09-023

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-18—Filed April 14, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is a harvestable quota of chinook salmon is available for troll fishermen. While the coho salmon quota has been allocated to sport fishermen. This regulation is adopted at the recommendation of the Pacific Fisheries Management Council.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 11, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000B LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-20-010, WAC 220-20-020, and WAC 220-20-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. May 1, 1988 it is lawful to fish for and possess all salmon species except coho salmon taken from the above waters except for those waters of a conservation zone at the mouth of the Columbia River bounded by a line projected six miles due west from North Head along 46°18'00" north latitude to 124°13'18" west longitude, thence southerly along a line 167° true to 46°11'06" north latitude, 124°11'00" west longitude (the Columbia River Buoy), thence northeasterly along the Red Buoy Line to the tip of the south jetty from which conservation zone no salmon may be taken.

(2) The above open area will close when 73,700 salmon are taken, or June 15, 1988, whichever is earlier, except that if 55,300 salmon area taken prior to May 31, 1988, the area will immediately close, and reopen between June 1 and June 15, 1988 to take the remaining 18,400 chinook.

(3) Lawful terminal gear is restricted to single point, single shank barbless hooks.

(4) No chinook salmon less than 28 inches in total length or 21.5 inches head-off length may be retained.

(5) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

(6) It is unlawful to transport through Coastal Salmon Management and Catch Reporting Areas 1, 2, 3, or 4 or land in the State of Washington any salmon taken for commercial purposes contrary to the provisions of Chapter 220-32 WAC or Chapter 220-47 WAC relative to seasons and species provided for in this section.

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

WSR 88-09-024

NOTICE OF PUBLIC MEETINGS

UNIVERSITY OF WASHINGTON

[Memorandum—April 1, 1988]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Environmental Health.

The regular monthly faculty meetings have been rescheduled beginning in September for the remainder of 1988 as follows:

Thursday	September 1, 1988	12:00 noon F-348
Thursday	October 6, 1988	12:00 noon F-348
Thursday	November 3, 1988	12:00 noon F-348
Thursday	December 1, 1988	12:00 noon F-348

WSR 88-09-025

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-3, Resolution No. 88-3—Filed April 14, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson

Building, Seattle, Washington, that it does adopt the annexed rules relating to special meeting, WAC 296-116-020.

This action is taken pursuant to Notice No. WSR 88-05-016 filed with the code reviser on February 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 10, 1988.

By Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 78-2, Resolution No. 78-2, filed 8/23/78)

WAC 296-116-020 SPECIAL MEETING. A special meeting of the board of pilotage commissioners may be called by the ~~((chairperson))~~ presiding officer, or by ~~((any two))~~ a majority of the members of the board, by ~~((serving notice, in writing, upon all other members of the board not less than five days prior to the meeting date))~~ delivering personally or by mail written notice to all other members of the board at least twenty-four hours before the time of such meeting as specified in the notice. The notice calling a special meeting shall state the purpose for which the meeting is called and the date, hour, and place of such meeting and ~~((shall be in conformance with the))~~ all provisions of chapter 42.30 RCW shall apply.

WSR 88-09-026

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-4, Resolution No. 88-4—Filed April 14, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Building, Seattle, Washington, that it does adopt the annexed rules relating to emergency meeting, WAC 296-116-030.

This action is taken pursuant to Notice No. WSR 88-05-017 filed with the code reviser on February 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 10, 1988.

By Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 78-2, Resolution No. 78-2, filed 8/23/78)

WAC 296-116-030 EMERGENCY MEETING. ~~((An emergency meeting may be called by the chairperson, or by any two members of the board without notification whenever an accident of any importance, such as stranding, collision or the like, shall occur to any vessel while utilizing the services of a state licensed pilot, for the purpose of making an investigation into the cause of such accident. The findings of such an emergency meeting shall be submitted to the board for appropriate action at the next regular monthly meeting.))~~ If, by reason of an emergency, there is a need for expedited action by the board to meet the emergency, the presiding officer may provide for a meeting site, and the notice requirements of chapter 42.30 RCW shall be suspended during such emergency. To the extent possible, notice of such emergency meeting will be delivered personally, by telephone, telegram, or mail to the members of the board and interested persons, and shall specify the time and place of the emergency meeting and the business to be transacted. Any action taken by the board at such emergency meeting may be reconsidered by the board at its next regular monthly meeting.

WSR 88-09-027

ADOPTED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Order 88-5, Resolution No. 88-5—Filed April 14, 1988]

Be it resolved by the Washington State Board of Pilotage Commissioners, acting at the Henry M. Jackson Building, Seattle, Washington, that it does adopt the annexed rules relating to physical requirements, WAC 296-116-120.

This action is taken pursuant to Notice No. WSR 88-05-018 filed with the code reviser on February 11, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 10, 1988.

By Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 85-2, Resolution No. 85-2, filed 7/12/85)

WAC 296-116-120 **PHYSICAL REQUIREMENTS.** (1) In order to determine the physical fitness of persons to ~~((continue to))~~ serve as licensed pilots under the provisions of the pilotage act, all licensed pilots and applicants shall be required to pass a general physical examination annually within forty-five days prior to the date their annual state pilot license fee is due. As part of this examination pilots and applicants shall have completed on a form provided by the board a detailed report of physical examination. This form shall be prepared by the ~~((pilot and the))~~ examining physician and shall be ~~((maintained on file by the physician for a period of five years. The physician will submit))~~ submitted to the board along with a letter stating whether and under what conditions the pilot or applicant is capable of providing pilotage services. The completion of the form and the letter to the board satisfies the minimum health standards of RCW 88.16.090(6). The detailed report of physical examination is a confidential record ~~((which will be made available to the board at the board's request))~~ and will not be available for public inspection. Such examination shall be obtained at the expense of the licensed pilots or applicants from a physician or physicians designated in advance by the board. The secretary of the board shall give each pilot or applicant reasonable written notice of the date when any such physical examination becomes due and shall specify the name of the physicians then approved by the board to conduct such physical examination.

(2) The physical examination required of all pilots and applicants shall demonstrate that he is in all respects physically fit to perform his duties as a pilot. The examination shall assure that one's abilities as a pilot will not be impaired by eyesight, hearing or other bodily function and shall include examination of the pilot's or applicant's eyes (including tests for color blindness, depth perception, night vision, disease, field of vision and reflexes); ears; heart; blood pressure; blood components; pulse; speech capabilities; history of diseases (including diabetes, cancer, arthritis, arrhythmia, asthma, bronchitis, emphysema, ulcers, alcoholism and other illnesses) and any other type of information which the physician feels is relevant.

(3) In the case of renewal of license as pilot, should the pilot be temporarily physically incapacitated at the time his license is due to be renewed, the commission shall not revoke such license until a further physical examination to be given at the expiration of three months. This procedure shall be carried on until it is evident that the pilot is permanently incapacitated; provided further, that no pilot shall be carried on the inactive list for longer than one year if disabled. Any pilot who is physically incapacitated shall not serve as a pilot during such period of incapacitation.

WSR 88-09-028

ADOPTED RULES

SECRETARY OF STATE

[Order 88-02—Filed April 14, 1988]

I, Ralph Munro, Secretary of State, Office of the Secretary of State, do promulgate and adopt at the Legislative Building, Olympia, Washington, the annexed rules relating to charitable solicitations.

This action is taken pursuant to Notice No. WSR 88-05-054 filed with the code reviser on February 17, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.09.315 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 19.09.190 which directs that the Secretary of State has authority to implement the provisions of RCW 19.09.190, Independent fundraisers—Surety bond.

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

APPROVED AND ADOPTED April 14, 1988.

By John Dzedzic
Acting Deputy
Secretary of State

TITLE 434 WAC
SECRETARY OF STATE

Chapter 434-19
Charitable Solicitations

WAC

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- 434-19-010 Authority and Purpose
- 434-19-012 Official Address
- 434-19-013 Toll-Free Telephone Number
- 434-19-014 Office Hours
- 434-19-015 Public Records
- 434-19-016 Public Records Copying Charge - Exemptions
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- 434-19-018 Registration Applications - Computation of Time
- 434-19-020 Definitions

Section II: Charitable Organization Registration

- 434-19-050 Financial Information Consistent with Federal Income Tax Form 990
- 434-19-051 Federal Income Tax Form 990 Not Acceptable
- 434-19-052 Other Financial Standards
- 434-19-053 Treatment of Appropriated Funds
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Section III: Charitable Organization and Non-Profit Fundraiser Registration

- 434-19-075 Newly Formed Organization
434-19-077 Combined Fee
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- 434-19-080 Identification of Other Independent Fundraisers Retained
434-19-081 Single Business Name Required
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Section V: Conditions Applicable to Solicitations

- 434-19-100 Exempt Organization Exempted
434-19-101 Multiple Contacts Deemed Single Solicitation
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Section VI: Conditions Applicable to Surety Bond

- 434-19-190 Bond Extended to Other Independent Fundraiser
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Section VII: Miscellaneous Provisions

- 434-19-230 Reference to Un-named Beneficiaries

Section I: General Provisions and Definitions

NEW SECTION

WAC 434-19-010 **AUTHORITY AND PURPOSE.** These rules are adopted under authority of RCW 19.09.190 and RCW 19.09.315 to provide for the efficient administration of the Charitable Solicitations Act, RCW 19.09, hereafter referred to as "the Act." These regulations shall be considered a supplement to and not a replacement for the Act.

NEW SECTION

WAC 434-19-012 **OFFICIAL ADDRESS.** The address to be used for delivery and receipt of all mail,

information, registration applications, amendments, fees and other material required by the act is:

Office of the Secretary of State
Charitable Solicitations Division
Legislative Building (Mail Stop: AS-22)
Olympia, WA 98504

NEW SECTION

WAC 434-19-013 **TOLL-FREE TELEPHONE NUMBER.** The telephone number to be disclosed as required by RCW 19.09.100 (1)(d) is:

1-800-332-4483 or 1-800-332-GIVE

This telephone number is answered 24 hours each day by a device which provides a recorded message and permits the caller to leave a recorded message.

NEW SECTION

WAC 434-19-014 **OFFICE HOURS.** Customary hours of operation of the Charitable Solicitations Division are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except holidays.

NEW SECTION

WAC 434-19-015 **PUBLIC RECORDS.** Except as provided by RCW 42.17.310, all public records of the Charitable Solicitations Division are available for public inspection and copying pursuant to rules of procedure, Chapter 434-12A WAC.

NEW SECTION

WAC 434-19-016 **PUBLIC RECORDS COPYING CHARGE - EXEMPTIONS.** (1) A request for a copy of a public record received by the Toll-Free telephone answering device shall be provided to the caller by mail without charge, subject to a limit of two documents copied per day, and six documents copied per month.

(2) Requests for copies of records by a public law enforcement agency shall be provided without charge.

NEW SECTION

WAC 434-19-017 **REGISTRATION APPLICATIONS - GROUNDS FOR DENIAL.** An application to register or reregister as required by RCW 19.09.075, RCW 19.09.076(2), RCW 19.09.078, RCW 19.09.079 or RCW 19.09.085 shall not be accepted by the secretary if it is unsigned, incomplete, illegible, arithmetically inaccurate or does not contain all required fees, information, and documents in a single packet.

NEW SECTION

WAC 434-19-018 **REGISTRATION APPLICATIONS - COMPUTATION OF TIME.** In computing any period of time prescribed by the Act or these rules, unless the context clearly requires otherwise, a day is considered a calendar day. The day of the act, event or other occurrence after which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday,

Sunday or holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday.

NEW SECTION

WAC 434-19-020 DEFINITIONS. Terms defined in RCW 19.09.020 shall apply in these regulations. When used in these regulations:

(1) "Bona fide officer or employee" of a charitable organization shall include any individual volunteering his or her time without compensation.

(2) "Compensation" shall not include

(a) reimbursement to an individual employee or volunteer for actual costs incurred and paid by the employee or volunteer acting on behalf of the charitable organization; and

(b) a premium, prize or other non-cash item awarded to an otherwise unpaid person under the age of 18 as a result of exceeding a specified campaign goal.

(3) "General public" or "public" shall include any defined or identifiable subset of the population of the state. This term shall also include any entity located in this state.

(4) "Independent Contractor" shall mean an entity, retained in the performance of fundraising services which

(a) is not retained as an employee by the charitable organization or independent fundraiser and has authority to employ others without the direct approval of a charitable organization or independent fundraiser; or

(b) is required to have an independent business identity, separate from the charitable organization or independent fundraiser, under applicable statutes or regulations of a political subdivision of the state, the state Department of Revenue, or Employment Security Department, or the federal Internal Revenue Service or Social Security Administration.

(5) "Independent Fundraiser"

(a) shall not include any:

(i) employee retained by an independent fundraiser, provided the bond required by RCW 19.09.190 covers the actions of such employees;

(ii) accountant, attorney, banker, financial advisor or similar professional, who, in the regular course of his or her profession, advises a charitable organization regarding fundraising activities, provided the professional is not otherwise engaged in the business of or is held out to persons in this state as engaged in the business of soliciting contributions for charitable or religious purposes;

(iii) supplier of goods or services not otherwise engaged in the business of or held out to persons in this state as engaged in the business of soliciting contributions for charitable or religious purposes.

(iv) retail establishment, not otherwise deemed an independent fundraiser, in which the retail establishment promises to contribute a portion of the regular sales price of a product or service to a named charitable organization, provided (a) the price of the product or service is no more than the price 30 days before and 30 days after the promotion; and (b) the charitable organization's has given its written permission to use its name in connection with the promotion; and (c) the agreement

governing the retail establishment's contribution is in writing.

(b) shall include any:

(i) independent contractor;

(ii) for-profit entity, not otherwise deemed a charitable organization, which is substantially engaged in a trade or commerce in this state which is intended to or results in the raising of funds for charitable or religious purposes or a charitable or religious organization. An organization is considered to be substantially engaged in a trade or commerce in this state which is intended to or results in the raising of funds for such purposes if 25% or more of the for-profit entity's gross receipts in any accounting period are associated with any contract or other arrangement which results in payments to a charitable or religious organization.

(6) "Official relationship", as used in the definition of "general public" or "public", shall mean a status conferred by a charitable organization which is obtained as a result of a voluntary and affirmative action by an entity, on at least an annual basis, which demonstrates a continuing association with, support of, or knowledge of the activities of, the charitable organization.

(7) "Publicly supported educational facility" shall mean a public school or school district as defined by Title 28A RCW, or a public college, university, or community college as defined by Title 28B RCW.

(8) "Solicitation" shall not include any:

(a) application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests.

(b) attempt to sell a service or good which constitutes the basis of the charitable organization's federal tax exemption or primary purpose for the existence of the charitable organization; including but not limited to: admission to a theatrical or other performance by a drama, musical, dance or similar group; and fees for services or use of the charitable organization's facilities.

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

Section II: Charitable Organization Registration

NEW SECTION

WAC 434-19-050 CHARITABLE ORGANIZATION REGISTRATION - FINANCIAL INFORMATION CONSISTENT WITH FEDERAL INCOME TAX FORM 990. To the extent possible, all terms and financial reports required by the Act shall be consistent with the requirements of the Internal Revenue Service for completing Form 990, Return of Organization Exempt from Income Tax (IRS Form 990). A charitable organization may rely upon the information properly prepared for and submitted as part of IRS Form 990 to be in compliance with the filing requirements of the Act.

NEW SECTION

WAC 434-19-051 CHARITABLE ORGANIZATION REGISTRATION - FEDERAL INCOME

TAX FORM 990 NOT ACCEPTABLE. Except as provided in WAC 434-19-060, an application to register which contains IRS Form 990 in lieu of the registration, or any part of the registration, required by RCW 19.09-.075 shall be considered incomplete, and shall not be accepted by the Secretary.

NEW SECTION

WAC 434-19-052 CHARITABLE ORGANIZATION REGISTRATION - OTHER FINANCIAL STANDARDS. (1) A charitable organization not subject to the filing requirements of IRS Form 990 shall complete the financial portion of the registration required by RCW 19.09.075:

(a) based only upon the activities under the supervision and control of the fundraising or development portion of the organization; and

(b) shall not include (i) appropriated funds except as provided under WAC 434-19-053; (ii) tuition, fees or contractual revenue for services rendered, (iii) admission fees to events (such as athletic contests and theatrical performances, etc.) or registration fees for conferences, or similar events conducted as part of the charitable organization's purpose.

(2) Financial reports shall be substantially consistent with the requirements of IRS Form 990, the accounting principles of the American Institute of Certified Public Accountants (AICPA), or such standards generally recognized and accepted by the business or accounting association which governs the charitable organization's financial affairs.

NEW SECTION

WAC 434-19-053 CHARITABLE ORGANIZATION REGISTRATION - TREATMENT OF APPROPRIATED FUNDS. A charitable organization which is a government subdivision or publicly supported educational facility shall include funds appropriated by the government only to the extent such funds are directly expended to support fundraising efforts or to defray costs of administering the organization's fundraising programs.

NEW SECTION

WAC 434-19-054 CHARITABLE ORGANIZATION REGISTRATION - FINANCIAL REPORTING ADJUSTMENTS. For purposes of financial reporting as required by RCW 19.09.075: (1) A charitable organization with current year expenses which exceed revenue received during the reporting year shall add to reported revenue that portion of previous years' surplus, fund balance, reserve or similar account which was used to offset the current year deficit.

(2) Funds irrevocably reserved to a capital acquisition or other legally binding reserve account shall be deemed disbursed for the stated purpose at the time of deposit to the reserve account.

(3) A charitable organization which is required to file an IRS Form 990 and which reports on IRS Form 990 "gross revenue from special fundraising events" of \$10,000 or more shall segregate "costs of goods sold"

from other "direct expenses" relating to the "special fundraising events" and shall, as part of the application required by RCW 19.09.075(7):

(a) subtract only "costs of goods sold" from "gross revenue from special fundraising events" when calculating "total revenue;" and

(b) subtract "costs of goods sold" from all other "direct expenses" relating to "special fundraising events," and shall report the result as part of costs of solicitation.

(4) Terms referred to in WAC 434-19-054(3) shall be defined as provided in the instructions to IRS Form 990.

NEW SECTION

WAC 434-19-055 CHARITABLE ORGANIZATION REGISTRATION - CHANGE IN EXEMPTION STATUS. A charitable organization which becomes disqualified for the registration exemption provided by RCW 19.09.076(1) shall submit an application for registration as required by RCW 19.09.075 within 30 days of the event which disqualified the organization from the registration exemption.

NEW SECTION

WAC 434-19-056 CHARITABLE ORGANIZATION REGISTRATION - COMBINED PROGRAM AND PAID FUNDRAISING EFFORT. A charitable organization which (a) compensates a temporary employee, independent contractor, independent fundraiser or an entity other than a bona fide employee for fundraising services; and (b) allocates any portion of such compensation as part of the charitable organization's amount disbursed for charitable purpose shall file a statement to that effect as part of its annual registration.

NEW SECTION

WAC 434-19-059 CHARITABLE ORGANIZATION REGISTRATION - VOLUNTARY VERIFICATION INFORMATION. In its application to register, a charitable organization may include information intended to assist the general public in verifying that the charitable organization exists and is conducting the programs and activities it reports on the registration application. Such information is, and shall be clearly identified as, not mandatory. Not including such information shall not be grounds for denying an application to register.

NEW SECTION

WAC 434-19-060 CHARITABLE ORGANIZATION REGISTRATION - OUT OF STATE ORGANIZATIONS. In accordance with RCW 19.09.076 (2)(c), to qualify to be exempt from filing the registration application described in RCW 19.09.075, a charitable organization located outside the state of Washington shall file with the secretary all documents and schedules associated with the organization's filing of IRS Form 990 for the preceding accounting year. An organization located outside the state of Washington which has not been required to complete an IRS Form 990 for the

preceding accounting year must complete the forms required by RCW 19.09.075.

NEW SECTION

WAC 434-19-061 CHARITABLE ORGANIZATION REGISTRATION - FEDERAL INCOME TAX FORM 990 CONDITIONS NOT APPLICABLE. The following conditions, which apply to organizations filing federal income tax form 990, do not apply to organizations required to register by RCW 19.09.075 or RCW 19.09.078:

(1) Extensions of time to file. Applications to register must be filed with the secretary by the due date specified by statute: no extensions will be granted by the secretary. The granting of an extension by the Internal Revenue Service does not change the due date of an application or renewal of a registration application. If an organization is unable to complete its final financial reports by the due date specified by statute, the organization may submit its application to register based upon un-audited or preliminary financial information; provided, that within 30 days of receipt of audited or other final financial reports, an amended application to register, based upon such final financial reports, is filed with the secretary. There shall be no fee for filing an amended application as required by this section.

(2) Exemption from filing a completed return. An organization with gross receipts normally not more than \$25,000 is not required to file a completed Federal Income Tax Form 990 with the Internal Revenue Service. Applicability of this exemption to an organization does not effect the organization's responsibility to file with the secretary the information required by RCW 19.09.075 or RCW 19.09.078.

Section III: Charitable Organization and Non-Profit Fundraiser Registration

NEW SECTION

WAC 434-19-075 CHARITABLE ORGANIZATION REGISTRATION - NON-PROFIT FUNDRAISER - NEWLY FORMED ORGANIZATION. A charitable organization or non-profit fundraiser which is required to register, but has yet to complete its first accounting year shall complete the registration required by RCW 19.09.075 based upon the annual budget of expenditures approved by the organization's board of directors. The charitable organization shall clearly identify that the reported figures are budget estimates and not based upon actual funds expended.

NEW SECTION

WAC 434-19-077 CHARITABLE ORGANIZATION REGISTRATION - NON-PROFIT FUNDRAISER REGISTRATION - COMBINED FEE. An organization required to file a registration under both RCW 19.09.075 and RCW 19.09.078 shall file a single non-refundable fee of \$10.00 for both registration applications.

NEW SECTION

WAC 434-19-078 CHARITABLE ORGANIZATION REGISTRATION - NON-PROFIT FUNDRAISER - REGISTRATION FEE. (1) Unless notified pursuant to RCW 19.09.271, a charitable organization or non-profit fundraiser which submits an application to register or reregister which is not accepted by the secretary shall not be required to pay an additional filing fee if the organization submits an acceptable application to register within 28 days of the date of the notice of non-acceptance. A corrected application to register received after 28 days shall be required to include a \$10 filing fee plus any applicable late filing fees as required by RCW 19.09.271.

(2) Registration application updates or amendments which are not required to be filed by the Act or these rules, if accepted by the secretary, shall be accepted without fee.

Section IV: Independent Fundraiser Registration

NEW SECTION

WAC 434-19-080 INDEPENDENT FUNDRAISER REGISTRATION - IDENTIFICATION OF OTHER INDEPENDENT FUNDRAISERS RETAINED. In addition to identifying independent fundraisers retained by the registrant in the performance of fundraising services, the registrant shall indicate whether the retained fundraiser is, or is not, included in the registrant's surety bond. For those retained fundraisers that are reported as being covered by the registrant's bond, the registrant shall submit documentary evidence from the surety or sureties to verify bonding.

NEW SECTION

WAC 434-19-081 INDEPENDENT FUNDRAISER REGISTRATION - SINGLE BUSINESS NAME REQUIRED. No independent fundraiser registered as required by RCW 19.09.079 under one name shall engage in the business or act in the capacity of an independent fundraiser under any other name unless such other name is also separately registered and bonded.

NEW SECTION

WAC 434-19-082 INDEPENDENT FUNDRAISER REGISTRATION - PHYSICAL ADDRESS REQUIRED. An independent fundraiser shall provide the secretary with the physical street address of the fundraiser's principal business location. An application to register as required by RCW 19.09.079 which does not contain the true physical street address of the fundraiser's principal business location shall be considered incomplete and shall not be accepted by the secretary.

NEW SECTION**WAC 434-19-083 INDEPENDENT FUNDRAISER REGISTRATION – REGISTRATION FEE.**

(1) Unless notified pursuant to RCW 19.09.271, an independent fundraiser which submits an application to register or reregister which is not accepted by the Secretary shall not be required to pay an additional filing fee if the organization submits an acceptable application to register within 28 days of the date of the notice of non-acceptance. A corrected application to register received after 28 days shall be required to include a \$50 filing fee plus any applicable late filing fees as required by RCW 19.09.271.

(2) Registration application updates or amendments which are not required to be filed by the Act or these rules, if accepted by the secretary, shall be accepted without fee.

NEW SECTION

WAC 434-19-084 INDEPENDENT FUNDRAISER REGISTRATION – CALCULATION OF DISCLOSURE PERCENTAGE WAIVED. An independent fundraiser which is not involved in the conduct of a solicitation campaign and does not receive contributions on behalf of a charitable organization shall not be required to calculate the percentage which is required to be disclosed under RCW 19.09.100 (2)(b).

NEW SECTION

WAC 434-19-086 INDEPENDENT FUNDRAISER REGISTRATION – NEWLY FORMED ORGANIZATION. (1) An independent fundraiser which has yet to complete its first accounting year shall complete the registration required by RCW 19.09.079 based upon the average guaranteed minimum contractual return of gross receipts under the contract or contracts for fundraising services in existence at the time of the registration. The independent fundraiser shall clearly identify that the reported figures are not based upon actual funds received.

(2) If a newly formed independent fundraiser conducts a solicitation and is unable to calculate the average guaranteed minimum contractual return of gross receipts, the independent fundraiser shall report on the registration application required under RCW 19.09.079 that it is currently unable to comply with WAC 434-19-086.

(3) Before the end of the seventh month of operation, an independent fundraiser conducting a solicitation shall submit, without additional fee, a revised solicitation report as required under RCW 19.09.079(7) representing the fundraising services performed during the first six months of operation.

NEW SECTION

WAC 434-19-087 INDEPENDENT FUNDRAISER REREGISTRATION – CHANGE IN BUSINESS STRUCTURE. An independent fundraiser which changes its (a) business structure, (b) business name, or (c) ownership shall file a new application to

register, including a separate filing fee and evidence of bonding as required by RCW 19.09.190.

NEW SECTION

WAC 434-19-088 INDEPENDENT FUNDRAISER REREGISTRATION – EVIDENCE OF CONTINUATION OF BONDING REQUIRED. An independent fundraiser required to submit a reregistration under RCW 19.09.085(3) or WAC 434-19-086 shall include with such reregistration evidence of continuation of bonding, if any, as required under RCW 19.09.190.

NEW SECTION

WAC 434-19-090 CHARITABLE ORGANIZATIONS AND INDEPENDENT FUNDRAISERS – CONTRACT REGISTRATION FORM – TIMING. No fundraising service or activity shall commence until after the registration form required under RCW 19.09.097 shall have been filed with the Charitable Solicitations Division at the address stipulated in WAC 434-19-012.

Section V: Conditions Applicable to Solicitations

NEW SECTION

WAC 434-19-100 CONDITIONS APPLICABLE TO SOLICITATIONS – EXEMPT ORGANIZATIONS EXEMPTED. An organization exempt by definition under RCW 19.09.020 (2)(b), and a charitable organization exempt from the registration requirements of RCW 19.09.075 under RCW 19.09.076(1) shall be exempt from the provisions of RCW 19.09.100.

NEW SECTION

WAC 434-19-101 CONDITIONS APPLICABLE TO SOLICITATIONS – MULTIPLE CONTACTS DEEMED SINGLE SOLICITATION. A person making more than one contact to solicit a contribution from an entity shall be considered to have complied with RCW 19.09.100 if:

(a) all disclosures required by RCW 19.09.100 are physically provided in written form to the entity solicited during the first contact when a solicitation is made; and

(b) all disclosures required by RCW 19.09.100 are physically provided in written form to the entity solicited at least once every 90 calendar days; and

(c) the entity solicited affirmatively consents to additional contacts to solicit a contribution.

NEW SECTION

WAC 434-19-102 CONDITIONS APPLICABLE TO SOLICITATIONS – NAME OF SOLICITOR. An unpaid person under the age of 18 years may give their first name instead of their complete name, if, in the judgement of the charitable organization, disclosure of the person's complete name may pose a threat to the person under the age of 18.

NEW SECTION

WAC 434-19-110 CONDITIONS APPLICABLE TO SOLICITATIONS - WRITTEN DISCLOSURE - STANDARD. The disclosure required to be made under RCW 19.09.100(2) or RCW 19.09.100(3):

(1) shall be no less conspicuous in size or intensity than the size and intensity of the written material which comprises the majority of a document intended to be retained by an individual; including but not limited to a letter, brochure, invoice, ticket, receipt, or advertisement in a publication; and

(2) shall be readable in the manner in which it is customarily presented in a form that is (a) intended to be read from a distance or (b) not to be retained by an individual; including but not limited to a flyer, poster, petition, banner, photograph, televised picture or billboard.

NEW SECTION

WAC 434-19-113 CONDITIONS APPLICABLE TO SOLICITATIONS - NEW ORGANIZATION.

(1) In lieu of the written disclosure required under RCW 19.09.100(2), a registered charitable organization or fundraiser which has yet to complete its first accounting year shall disclose in writing that the organization has yet to complete its first accounting year and is unable to comply with the written disclosure requirements of the Act.

(2) If a charitable organization or fundraiser has filed, without additional fee, an amended registration application based upon at least six months of operation, the organization shall rely upon such registration to calculate and make the disclosure required under RCW 19.09.100(2).

NEW SECTION

WAC 434-19-114 CONDITIONS APPLICABLE TO SOLICITATIONS - SOLICITATION CONDUCTED. A solicitation is considered conducted by the entity which is responsible for (a) the manner in which the message is communicated, or the individuals who communicate the solicitation message; and (b) the receipt of contributions from the public. Where these responsibilities are shared between a charitable organization and an independent fundraiser, the solicitation shall be considered conducted by the independent fundraiser if the independent fundraiser engages in any of the activities described in RCW 19.09.190(1), RCW 19.09.190(2), or RCW 19.09.190(3).

NEW SECTION

WAC 434-19-115 CONDITIONS APPLICABLE TO SOLICITATIONS - RESPONSIBILITY FOR CONTENT OF SOLICITATION. It shall be presumed to be the responsibility of the entity conducting the solicitation, as defined in WAC 434-19-114, to assure that the solicitation complies with the requirements of the Act.

NEW SECTION

WAC 434-19-118 CONDITIONS APPLICABLE TO SOLICITATIONS - SOLICITATION CONDUCTED VIA ELECTRONIC MEDIA. (1) The disclosures required under RCW 19.09.100(1), RCW 19.09.100(3) and WAC 434-19-110 shall apply to solicitations conducted via television or radio, except (a) such announcements of one minute duration or less which are provided by the station at no expense, including but not limited to public service announcements and (b) a news report of any duration.

(2) A solicitation, such as a telethon or similar event, conducted via television over a period exceeding thirty minutes of on-air time originating within the state shall contain the written disclosures required under RCW 19.09.100 (1)(d) and RCW 19.09.100 (2)(a) or (b), whichever is applicable, at least once during the telethon, and at least once during each fifteen minutes of on-air time originating within the state.

Section VI: Conditions Applicable to Surety Bond

NEW SECTION

WAC 434-19-190 SURETY BOND - BOND EXTENDED TO OTHER INDEPENDENT FUNDRAISER. (1) An independent fundraiser may, subject to approval by the surety, extend its bond coverage to include another independent fundraiser retained in the performance of fundraising services, provided; that such other independent fundraisers shall (a) have registered with the secretary and shall have executed a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least five thousand dollars; and (b) for the remainder of its registration period, not be engaged in the business of providing fundraising services outside the arrangement with the independent fundraiser which extends its bond coverage.

(2) Evidence of the extension of bond coverage to another independent fundraiser shall be filed with the secretary prior to the commencement of any fundraising activities by the other independent fundraiser. Such evidence must be submitted on the letterhead or other official document of the surety.

NEW SECTION

WAC 434-19-191 SURETY BOND - NOTICE OF EXEMPTION FROM BOND REQUIREMENT. (1) Except as provided in WAC 434-19-193(3), an independent fundraiser which:

(a) has been registered with the secretary as an independent fundraiser for at least one accounting year; and

(b) during the preceding accounting year has not, in the course of providing fundraising services, engaged in any of the activities described in RCW 19.09.190(1), RCW 19.09.190(2), and RCW 19.09.190(3); shall provide notice to the secretary that the independent fundraiser claims exemption from the bond required under RCW 19.09.190.

(2) Such notice shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, signed by the independent fundraiser, and shall contain a statement, under penalty of perjury, assuring the secretary that during the previous accounting year, the independent fundraiser had not engaged in any of the activities described in RCW 19.09.190(1), RCW 19.09.190(2) and RCW 19.09.190(3).

NEW SECTION

WAC 434-19-192 SURETY BOND - REDUCTION IN BOND AMOUNT. (1) Except as provided in WAC 434-19-193(3), an independent fundraiser which

(a) has been registered with the secretary as an independent fundraiser for at least one accounting year; and

(b) during the preceding accounting year has not, in the course of providing fundraising services, engaged in more than any one of the activities described in RCW 19.09.190(1), RCW 19.09.190(2), and RCW 19.09.190(3);

is eligible upon request to receive a reduction of the bond required under RCW 19.09.190 from fifteen thousand dollars to five thousand dollars.

(2) Such request shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, signed by the independent fundraiser and shall contain a statement, under penalty of perjury, assuring the secretary that during the previous accounting year, the independent fundraiser has not engaged in more than one of the activities described in RCW 19.09.190(1), RCW 19.09.190(2) and RCW 19.09.190(3).

NEW SECTION

WAC 434-19-193 SURETY BOND - REINSTATEMENT OF BOND AMOUNT. (1) An independent fundraiser which: (a) has received approval from the secretary to reduce the bond requirement of RCW 19.09.190 to five thousand dollars under the provisions of WAC 434-19-190 or WAC 434-19-192; or (b) notified the secretary that the fundraiser claims exemption from the bond requirement of RCW 19.09.190 under the provisions of WAC 434-19-191; and fails to refrain from engaging in any activity which qualified the independent fundraiser for such reduced or waived bond; shall immediately execute a bond as principal with one of more sureties whose liability in the aggregate of such sureties will equal at least fifteen thousand dollars.

(2) Failure to provide evidence of proper bonding shall result in the secretary revoking the registration of the independent fundraiser until evidence of sufficient bonding is received.

(3) An independent fundraiser which has been required to increase or reinstate a bond under the provisions of WAC 434-19-193(1) or has had the bond impaired by any final judgement, shall not again be eligible to receive a reduction in bond amount nor qualify for exemption from the bond required by RCW 19.09.190.

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

NEW SECTION

WAC 434-19-194 SURETY BOND - IMPAIRMENT OF BOND. In the event that any final judgement shall impair the liability of a surety upon the bond furnished under RCW 19.09.190 that there shall not be in effect a bond undertaking in the full amount required, the secretary shall suspend the registration of such independent fundraiser until the bond liability the full amount required, unimpaired by unsatisfied judgement claims shall have been furnished.

NEW SECTION

WAC 434-19-195 SURETY BOND - CONDITIONS DEFINED. As used in the Act and these rules:

(1) An independent fundraiser shall be considered to "directly or indirectly receive contributions from the public on behalf of a charitable organization" when (a) the independent fundraiser has authority over, retains control of, or has any claim to contributions received as a result of a solicitation; or (b) an entity other than the charitable organization shall receive or have access or claim to contributions received as a result of the solicitation.

(2)(a) An independent fundraiser shall be considered to be "compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method" when (i) the amount of the independent fundraiser's compensation cannot be determined prior to the commencement of the fundraising service; or (ii) any part of the arrangement between the charitable organization and the independent fundraiser is contingent upon funds to be raised, solicitations to be made or any other similar method.

(b) An independent fundraiser shall not be considered to be "compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method" if (i) the fundraiser's compensation is based solely on the number of products supplied by the fundraiser to the charitable organization for resale by the charitable organization; and (ii) the charitable organization is free to establish the sales price of the product.

(3) An independent fundraiser shall be considered to "incur or be authorized to incur expenses on behalf of the charitable organization" when any expense relating to the solicitation may become the liability of the charitable organization and such expense is not paid by the independent fundraiser at the time the expense is authorized, committed to or delivered, whichever occurs earliest.

Section VII: Miscellaneous Provisions

NEW SECTION

WAC 434-19-230 USING THE NAME OF ANOTHER ENTITY - REFERENCE TO UN-NAMED BENEFICIARY. An entity which implies or states that admission to a function conducted as part of a solicitation or the proceeds of a solicitation will benefit disadvantaged youth, handicapped children, disabled persons, or words of similar meaning or effect shall identify (a)

the manner in which such proceeds or admissions are to be delivered to the un-named beneficiaries; and (b) the name of any entity which will be asked to assist in the distribution of such proceeds or admissions.

WSR 88-09-029
ADOPTED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
 [Order PM 722—Filed April 15, 1988]

Be it resolved by the Washington State Examining Board of Psychology, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

- New WAC 308-122-235 Qualifications for granting of license by reciprocity.
- New WAC 308-122-720 Temporary permits.
- Amd WAC 308-122-200 Psychologists—Education prerequisite to licensing.
- Amd WAC 308-122-215 Psychologists—Experience/prerequisite to licensing.
- Amd WAC 308-122-640 Public statements.

This action is taken pursuant to Notice No. WSR 88-06-007 filed with the code reviser on February 23, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Examining Board of Psychology as authorized in RCW 18.83.050.

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

APPROVED AND ADOPTED April 8, 1988.

By Kathleen Worsley, Ph.D.
 Chair

NEW SECTION

WAC 308-122-235 QUALIFICATIONS FOR GRANTING OF LICENSE BY RECIPROCITY. (1) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170 (1) and (2) shall:

(a) provide evidence of meeting the educational requirements set forth in RCW 18.83.200 in effect at the time the applicant entered his/her doctoral program;

(b) pass the oral examination administered by the board pursuant to RCW 18.83.050.

(2) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170(3) shall:

(a) pass the oral examination administered by the board pursuant to RCW 18.83.050.

NEW SECTION

WAC 308-122-720 TEMPORARY PERMITS. (1) Pursuant to RCW 18.83.082(1), a temporary permit issued to a license applicant:

(a) is valid for no more than 1 year from the date of issue;

(b) is terminated if the license applicant fails either the written or oral examination administered by the board pursuant to RCW 18.83.050; and/or,

(c) is terminated if the license applicant fails to appear for a scheduled written or oral examination, unless the applicant notifies the board in advance of the inability to appear.

AMENDATORY SECTION (Amending Order PM 678, filed 9/17/87)

WAC 308-122-200 PSYCHOLOGISTS—EDUCATION PREREQUISITE TO LICENSING. To meet the education requirement of RCW 18.83.070, an applicant shall possess a doctoral degree from an institution of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses shall have been passed successfully, and can be clearly identified by title and course content as being part of a psychology program. One of the standards for issuance of said degree shall have been the submission of an original dissertation which was psychological in nature. Endorsement by the program administrator shall be requested and considered.

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

(a) The program shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures shall show intent to educate and train psychologists.

(b) The psychology program shall stand as a recognized, coherent, entity within the institution.

(c) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(d) There shall be an organized sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field of psychology.

(e) There shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

(f) There shall be an identified body of students selected on the basis of high ability and appropriate educational preparation.

(2) The following defines the academic program:

(a) The curriculum shall encompass a minimum of three academic years of full-time graduate study or their equivalent. The doctoral program shall involve at least one continuous year of full-time residency at the institution which grants the degree. The applicant shall clearly have had instruction in: History and systems, research design and methodology, statistics and psychometrics. The program shall require each student to complete three or more semester hours (five or more

quarter-hours) of core study in each of the following content areas:

(i) Biological bases of behavior (physiological psychology, comparative psychology, neurobases, sensation and perception, biological bases of development);

(ii) Cognitive-affective bases of behavior (learning, thinking, motivation, emotion, cognitive development);

(iii) Social bases of behavior (social psychology, organizational theory, community psychology, social development);

(iv) Individual differences (personality theory, psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in clinical, counseling, school or other applied area, the program shall include coordinated practicum and internship experience.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of direct experience and 100 hours of supervision.

(b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by the American Psychological Association shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-therapy with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of

trainees' work, and made available to prospective interns.

(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

(4) Applicants for licensure who obtained degrees from foreign universities shall first submit, at their own expense, their credentials to an independent, private professional organization approved by the board to establish equivalency of training required by this section.

AMENDATORY SECTION (Amending Order PL 578, filed 2/5/86)

WAC 308-122-215 PSYCHOLOGISTS—EXPERIENCE PREREQUISITE TO LICENSING. (1) Need for supervision. The law requires that the applicant have at least twelve months experience practicing psychology under qualified supervision after having completed all requirements for a doctoral degree. Supervision must be appropriate to the area(s) of professional activity in which the candidate intends to function.

(2) Twelve months of experience shall include a MINIMUM of 1500 supervised clock hours of psychological work. There should be a MINIMUM of one hour of individual supervision for every twenty hours of psychological work. The majority of supervised hours should be in the area(s) of intended psychological work. Documentation of experience and supervision hours shall be kept by supervisee and supervisor. The supervisor(s) shall forward to the board a written evaluation at the end of the twelve-month period, and shall indicate whether the supervisee has satisfactorily completed the supervised clock hours of psychological work. If any supervisor's(s') written evaluation indicates that the supervisee has failed to satisfactorily complete the required work, the board may require additional supervised clock hours of psychological work.

(3) Appropriate supervision is that provided by a licensed psychologist with two years post-license experience, a psychiatrist with three years of experience beyond residency, or an MSW with five years post degree experience or a doctoral level psychologist by training and degree with two years of post-doctoral experience who is exempt from licensure by RCW 18.83.200 (1); (2); (3); or, (4), but only when supervising within the exempt setting. At least 50 percent of supervision must be provided by a licensed psychologist. The supervisor must have competence in the area(s) of intended psychological work of the supervisee. The supervisor shall not supervise in any area in which he or she does not have competence.

(4) Content of supervision. Supervision should include, but not be limited to, the following content area:

(a) Discussion of services provided by the supervisee;

(b) Selection, service plan, and review of each case or work unit of the supervisee;

(c) Discussion of and instruction in theoretical conceptions underlying the supervised work;

(d) Discussion of the management of professional practice or other administrative or business issues;

(e) Evaluation of the supervisory process, supervisee, and supervisor;

(f) Discussion of the coordination of services among other professionals involved in particular work units;

(g) Review of relevant Washington laws and rules and regulations;

(h) Discussion of ethical principles including principles that apply to current work;

(i) Review of standards for providers of psychological services;

(j) Discussion of other relevant reading materials specific to cases, ethical issues, and the supervisory process.

(5) Mode of supervision. The nature of supervision will vary depending on the theoretical orientation of the supervisor, the training and experience of the supervisee, and the duration of the supervisory relationship. It is reasonable for a supervisor to ask for detailed process notes and progress reports. Audio tapes, video tapes, client supplied information such as behavioral ratings, and one-way mirror observations are also appropriate when deemed useful and/or necessary. However accomplished, supervision shall include some direct observation of the supervisee's work. The preferred mode of supervision is face-to-face discussion between supervisor and supervisee.

(6) Authority of supervisor. The supervisor is ethically and legally responsible for all supervisee work covered in the written agreement for supervision. Therefore, it is the authority of the supervisor to alter service plans or otherwise direct the course of psychological work.

(7) Written agreement for supervision. The supervisor and supervisee shall have a written agreement for supervision. This shall include:

(a) The area(s) of professional activity in which supervision will occur;

(b) Hours of supervision and/or ratio of supervisory hours or professional hours;

(c) Supervisory fees, if appropriate;

(d) Process of supervision including mode of supervision, expectations for recordkeeping, and expectations for evaluation and feedback;

(e) Relevant business arrangements;

(f) How the supervisee will represent him or herself;

(g) How disagreements will be handled.

(8) Representation of supervisee to the public. It shall be the responsibility of the supervisee to represent him or herself to the consuming public as being in training status with a suitable supervisor. Clients shall be informed of the identity and responsibilities of the supervisor; and shall be informed of their right to consult or speak directly with the supervisor. Such titles as psychological resident, psychological intern or psychological supervisee, are deemed appropriate for the supervisee. NO services provided by the supervisee shall be represented to third parties as having been provided by the supervisor. Insurance forms should be filled out to indicate the nature of the supervisory relationship.

AMENDATORY SECTION (Amending Order PL 578, filed 2/5/86)

WAC 308-122-640 PUBLIC STATEMENTS. Public statements, announcements of service, advertising, and promotional activities of psychologists serve the

purpose of helping the public make informed judgments and choice. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(1) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: Name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, (~~{diplomat}~~—{diplomate}) diplomate status, professional association status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of these ethical principles.

(2) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner which falsely implies sponsorship or certification of that organization. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They do not contain

(a) A false, fraudulent, misleading, deceptive, or unfair statement;

(b) A misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

(c) A statement intended or likely to create false or unjustified expectations of favorable results;

(d) A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services.

Psychologists do not use power, influence or offers of compensation to solicit testimonials from clients.

(3) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(4) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(5) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

(6) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

(7) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

(8) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(9) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(10) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

(11) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

WSR 88-09-030

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Osteopathic Medicine and Surgery)

[Order PM 723—Filed April 15, 1988]

Be it resolved by the Board of Osteopathic Medicine and Surgery, acting at the West Coast Hotel, Cascade Room, 18220 Pacific Highway South, Seattle WA 98188, that it does adopt the annexed rules relating to

amendatory sections WAC 308-138-055, 308-138-320, 308-138A-020 and 308-138A-025.

This action is taken pursuant to Notice No. WSR 88-03-035 filed with the code reviser on January 19, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.57A-.020, 57.005 [18.57.005] and 18.130.050 which directs that the Board of Osteopathic Medicine and Surgery has authority to implement the provisions of RCW 18.57A-.020, 18.57.130 and RCW 18.130.070.

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

APPROVED AND ADOPTED March 4, 1988.

By Joseph T. Palermo, D.O.
Chairman

AMENDATORY SECTION (Amending Order PL 527, filed 4/24/85)

WAC 308-138-055 OSTEOPATHIC MEDICINE AND SURGERY EXAMINATION. (1) Washington examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination, and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

(2) Examination waiver or reciprocity. An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination. The board may accept certain other state examinations which conform to the requirements of Washington law. The minimum passing score will depend upon the quality of the examination as determined by the board. Partial waiver may be given for examinations which do not meet Washington state requirements. In the event that a Washington osteopathic principles and practices examination is required (~~it will be considered in the same manner as subsection (1)~~), applicants must obtain at least a seventy-five percent overall average on the examination.

AMENDATORY SECTION (Amending Order 323, filed 11/29/79)

WAC 308-138-320 MALPRACTICE SUIT REPORTING. (~~((+))~~) Every osteopathic physician shall, within (~~(twenty)~~) sixty days after (~~(service or knowledge thereof)~~) settlement or judgment, notify the board of any (~~(suit filed in any court in which the osteopathic physician is named as a defendant and which seeks damages relating to the providing or failure to provide any health care services)~~) and all malpractice settlements or judgments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to

have been caused by a physician's incompetency or negligence in the practice of osteopathic medicine. Every osteopathic physician shall also report the settlement or judgment of three or more claims or actions for damages during a year as the result of the alleged physician's incompetency or negligence in the practice of osteopathic medicine regardless of the dollar amount of the settlement or judgment.

~~((2) The board requests the assistance of the clerk of all trial courts in reporting the filing of any suit in which an osteopathic physician is named as a defendant and which seeks damages relating to the provision or failure to provide health care services.))~~

AMENDATORY SECTION (Amending Order PM 671, filed 10/7/87)

WAC 308-138A-020 OSTEOPATHIC PHYSICIANS' ASSISTANTS. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria established by the committee on allied health education and Accreditation Association of the American Medical Association as of ~~((1985-1978))~~ 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least 30 days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, or when personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established.

(9) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician assistant in a place remote from the physician's regular place for meeting patients if:

- (a) There is a demonstrated need for such utilization;
- (b) Adequate provision for immediate communication between the physician and his physician assistant exists;
- (c) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients who may be seen initially by the osteopathic physician assistant;
- (d) The responsible physician spends at least one-half day per week in the remote office.

(10) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(11) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(12) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

- (a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating patient(s) wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant;
- (b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board;

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within 24 hours;

(e) All patient charts and all telephone advice given by the supervising physician shall be documented, reviewed and countersigned by the physician within one week.

(13) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor. If an alternate osteopathic physician is not available in the community, the board may authorize a physician licensed under chapter 18.71 RCW to act as the alternate physician supervisor.

(14) Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

AMENDATORY SECTION (Amending Order PM 671, filed 10/7/87)

WAC 308-138A-025 OSTEOPATHIC PHYSICIAN'S ASSISTANT PRESCRIPTIONS. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant's registration number (~~(for)~~ ~~(of)~~) of physician assistant drug enforcement administration registration number.

(c) Prescriptions for legend drugs and controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in (6) of this (~~rule~~) section.

(2) A physician's assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except

those for schedule two controlled substances, for inpatients under the care of the physician responsible for his (~~for her~~) or her supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs to exceed treatment for 48 hours. The medication so dispensed must comply with the state law prescription labeling requirements.

(6) Authority to issue prescriptions without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician's assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) Passed the National Commission on Certification of Physician Assistants' certification examination;

(c) Had five years experience in primary health care, including the use of prescription drugs;

(d) Presented evidence to the board verifying his or her prescriptive writing experience and ability;

(e) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician.

WSR 88-09-031

ADOPTED RULES

DEPARTMENT OF LICENSING (Occupational Therapy Practice Board)

[Order PM 721—Filed April 15, 1988]

Be it resolved by the Occupational Therapy Practice Board, acting at the Olympic Room, West Coast Hotel, 18220 Pacific Highway South, Seattle, WA 98188, that it does adopt the annexed rules relating to amending WAC 308-171-010 and 308-171-020.

This action is taken pursuant to Notice No. WSR 88-05-061 filed with the code reviser on February 17, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.59.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 25, 1988.
 By Susan Kronsoble, O.T.
 Chairperson

APPROVED AND ADOPTED April 15, 1988.
 By Judith Merchant
 for Joseph R. Blum
 Director

AMENDATORY SECTION (Amending Order PM 645, filed 4/14/87)

WAC 308-171-010 RECOGNIZED EDUCATIONAL PROGRAMS—OCCUPATIONAL THERAPISTS. The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association as recognized in the ((+1986=))1987-1988 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc.

AMENDATORY SECTION (Amending Order PM 645, filed 4/14/87)

WAC 308-171-020 RECOGNIZED EDUCATIONAL PROGRAMS—OCCUPATIONAL THERAPY ASSISTANTS. The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association as recognized in the ((+1986=))1987-1988 Listing of Educational Programs in Occupational Therapy published by the American Occupational Therapy Association, Inc.

WSR 88-09-032
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-20—Filed April 15, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation will prevent incidental mortality to crab stocks in northern Puget Sound.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

NEW SECTION

WAC 220-48-01500C TRAWL CLOSURE. *Notwithstanding the provisions of WAC 220-48-015:*

(1) *Effective April 15 through May 31, 1988, it is unlawful to fish for or possess bottomfish taken for commercial purposes with beam trawl or bottom trawl gear from those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A bounded by a line beginning at Lilly Point (southeast point of Point Roberts), thence southeasterly along a line projected from Lilly Point to Birch Point to the intersection with a line projected due south from Kwomais Point in British Columbia, thence south along the Kwomais Point line to an intersection with a line projected from the western point of Point Roberts to Point Whitehorn, thence northwesterly along the west Point Roberts-Point Whitehorn line to an intersection with a line projected from Lilly Point to the north Alden Bank buoy, thence north-northwesterly along the Lilly Point-Alden Bank line to Lilly Point.*

(2) *Effective June 1 through June 30, 1988, it is unlawful to fish for or possess bottomfish taken for commercial purposes with beam trawl or bottom trawl gear from those waters of Marine Fish-Shellfish Management and Catch Reporting Area 20A bounded by a line beginning at Lilly Point, thence southeasterly along a line projected from Lilly Point to Birch Point to an intersection with a line projected due south from Kwomais Point in British Columbia, thence south on the Kwomais Point line to an intersection with a line projected from Birch Point to Patos Island, thence south-southwesterly on the Birch Point-Patos Island line to the intersection with a line projected from Lilly Point to the north Alden Bank buoy, thence northwesterly along the Lilly Point-Alden Bank line to Lilly Point.*

WSR 88-09-033
ADOPTED RULES
HORSE RACING COMMISSION
 [Order 88-02—Filed April 15, 1988]

Be it resolved by the Washington Horse Racing Commission, acting at the Sea-Tac Red Lion, 18740 Pacific Highway South, Seattle, WA, that it does adopt the annexed rules relating to:

- New WAC 260-34-010 Primary purpose.
- New WAC 260-34-020 Intoxication.
- New WAC 260-34-030 Testing.
- New WAC 260-34-040 Definition of licensee and employees.
- New WAC 260-34-050 Reasonable suspicion.
- New WAC 260-34-060 Refusal to test.
- New WAC 260-34-070 Responsibility to report valid prescriptions.
- New WAC 260-34-080 Testing procedure.
- New WAC 260-34-090 A positive test.
- New WAC 260-34-100 Confidentiality test results.
- New WAC 260-34-180 Testing expense.

This action is taken pursuant to Notice No. WSR 88-06-052 filed with the code reviser on March 2, 1986 [1988]. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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

APPROVED AND ADOPTED April 5, 1988.

By John Crowley
Executive Secretary

Chapter 260-34 WAC

DRUG AND ALCOHOL TESTING OF LICENSEES AND EMPLOYEES

WAC

260-34-010	Primary purpose.
260-34-020	Intoxication.
260-34-030	Testing.
260-34-040	Definition of licensee and employees.
260-34-050	Reasonable suspicion.
260-34-060	Refusal to test.
260-34-070	Responsibility to report valid prescriptions.
260-34-080	Testing procedure.
260-34-090	A positive test.
260-34-100	Confidentiality test results.
260-34-180	Testing expense.

NEW SECTION

WAC 260-34-010 PRIMARY PURPOSE. In order to protect the integrity of horse racing in the state of Washington, to protect the health and welfare of licensees and employees engaged in horse racing within the state of Washington, to prevent the exploitation of the public, licensees and/or employees engaged in horse racing in the state of Washington, to foster fairness of competition within the racing industry and in order to protect public safety within the state of Washington, the horse racing commission intends to regulate at all race meets licensed by it, the use of any controlled substance as listed in chapter 69.50 RCW or any prescription legend drug unless such prescription legend drug was obtained directly and pursuant to a valid prescription from a duly licensed physician or dentist acting in the course of his or her professional practice. This chapter shall be applicable to any licensee or employee who is responsible for the conduct of, or the officiating of, a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet.

NEW SECTION

WAC 260-34-020 INTOXICATION. No licensee or employee of any racing association or any employee of the horse racing commission who is responsible for the conduct of, or officiating of a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet shall be under the influence of intoxicating liquor, the combined influence of intoxicating liquor and any drug, or under the influence of any narcotic or other drug while within the enclosure of any association. In addition, the personal use by any licensee or employee of any drug or abuse of any controlled substance as listed in chapter 69.50 RCW is prohibited without valid legal prescription.

NEW SECTION

WAC 260-34-030 TESTING. The board of stewards of the horse racing commission may require any licensee, employee of any racing association, or employee of the horse racing commission who is responsible for the conduct of, or officiating of, a race or whose duties include the training, exercising, riding, driving, or caring for a horse while the horse is on any association premises to participate in a horse racing meet, to provide blood and/or urine samples for the purpose of drug or alcohol analysis under any of the following circumstances:

(1) As part of a physical examination described in WAC 260-32-160.

(2) When there is reasonable suspicion to believe that the proposed testee has used any drug, narcotic, or controlled substance as defined in chapter 69.50 RCW or any prescription legend drug unless such prescription legend drug was obtained directly and pursuant to a valid medical prescription from a duly licensed physician or dentist acting in the course of his or her professional practice or, alcohol in excess of the limits prescribed in this chapter.

(3) At the discretion of the stewards when the proposed testee has a documented history of an unexplained positive test which indicates illegal drug usage or when the proposed testee has a documented history of sanction for drug usage or violation.

NEW SECTION

WAC 260-34-040 DEFINITION OF LICENSEE AND EMPLOYEES. For the purpose of this chapter, licensee or employee means and includes any person licensed or employed by the horse racing commission within the state of Washington or by any association whose duties include any of the following: Training, exercising, riding, driving, or caring for a horse while he/she is on the association grounds to participate in a horse racing meet, or any licensed racing official who is involved in the conduct of a horse racing meet including, but not limited to:

- (1) Apprentice jockey;
- (2) Assistant starter;
- (3) Assistant trainer;
- (4) Clerk of scales;
- (5) Dentist;

- (6) Driver;
- (7) Exercise boy/girl;
- (8) Groom;
- (9) Horseshoer;
- (10) Jockey;
- (11) Jockey agent;
- (12) Out rider;
- (13) Paddock judge;
- (14) Pony rider;
- (15) Racing judge;
- (16) Security officer;
- (17) Starter;
- (18) Steward;
- (19) Trainer;
- (20) Valet;
- (21) Veterinarian;
- (22) Veterinarian's assistant;
- (23) Any other licensed personnel deemed appropriate by the horse racing commission where the person is involved in the conduct of a race.

NEW SECTION

WAC 260-34-050 REASONABLE SUSPICION. When ordering a drug or alcohol test based upon reasonable suspicion, the board of stewards may consider, but are not limited to, any of the following factors:

- (1) Unexplained or continued rule violations which have a detrimental effect on racing.
- (2) Involvement in any accident which causes injury to person or animal at the track as well as any near accident which created a clear danger of accident or injury to person or animal at the track.
- (3) Willful conduct detrimental to horse racing as evidenced by continued rule violations, other disciplinary problems, behavioral problems, disturbances, or other similar conduct at the track.
- (4) Observable physical or emotional impairment at the track.
- (5) Involvement in a race of questionable outcome or circumstance as determined by the board of stewards in the exercise of their expertise.
- (6) Willful abuse of animal or person who is engaged in a race, work, or exercise engagement at the track.
- (7) Prior positive test or tests, excluding those where a valid legal prescription has been revealed.
- (8) Performance of prescribed duties in a manner which indicates a best effort to win is not present at the track.
- (9) Information supplied by a law enforcement agency, the thoroughbred racing protective bureau, or horse racing commission of any state or country which is verified in writing relating to drug or alcohol abuse or both.
- (10) Any other physical conduct at the track which can be documented which would indicate the possibility of drug or narcotic dependence or usage, or alcohol abuse.

NEW SECTION

WAC 260-34-060 REFUSAL TO TEST. When any licensee or employee is requested to submit to a test in a manner prescribed by this chapter, he/she shall do

so in a prompt manner. Refusal to supply such sample shall result in:

- (1) Immediate suspension of the licensee or employee.
- (2) A hearing before the board of stewards with written notice of the issue to be addressed prepared by the presiding steward, to be held within the next two racing days of the delivery of the notice or sooner if the licensee or employee and the board of stewards agree to it.
- (3) The board of stewards shall confirm the facts with respect to the refusal to test at the hearing and where substantiated, the licensee or employee shall be suspended from racing for and until such time as a negative test has been obtained in conformance with this chapter.
- (4) Continued refusal to submit to an ordered test will result in license revocation and banning from race meets in the state of Washington.

NEW SECTION

WAC 260-34-070 RESPONSIBILITY TO REPORT VALID PRESCRIPTIONS. Whenever any licensee or employee has been directed by the stewards to submit to a drug test and that licensee or employee is taking a substance pursuant to a valid prescription on order of a duly licensed physician or dentist, it shall be the licensee or employee's responsibility to give written notice to the chief of security, or his designated representative of the Washington horse racing commission containing the following:

- (1) Name of the licensee or employee.
- (2) The quantity and dosage of the substance prescription.
- (3) The name of the duly licensed physician or dentist prescribing same.
- (4) The date the prescription was prescribed.

All such notices shall become part of the records of the drug test and preserved to maintain strict confidentiality of the contents.

NEW SECTION

WAC 260-34-080 TESTING PROCEDURE. (1) When the drug testing is a result of a required physical examination or as described in WAC 236-34-030, the licensee or employee will report to the specified physician where a member of the medical staff will supervise the sample being given. The supervision need not include actual observance of the delivery of the sample but the sample shall be taken under such circumstances that the integrity of the sample is maintained without unnecessarily interfering with the individual rights of the licensee including the right to be free from unnecessary embarrassment. Intentional contamination of the sample by any licensee which is likely to prevent appropriate analysis of the sample shall be grounds for the suspension or revocation of the licensee's license. Any sample shall be placed in a container and sealed together with a double identification tag in the presence of the person being tested. One portion of such tag bearing a printed identification number shall remain with the sealed container. The other portion of such tag bearing the same printed identification number, shall be detached in the

presence of the person tested and a member of the medical staff and the chief of security or his designated representative of the horse racing commission. The licensee or employee will attest by signature on the tag to indicate witnessing such action. The member of the medical staff and the chief of security or his designated representative of the horse racing commission will further attest by signature to indicate witnessing such action. The sample will then be handled in a manner consistent with an evidentiary chain of custody by the chief of security or his designated representative of the horse racing commission throughout the transportation and laboratory testing process. The sample and the tag identifying same which is to be provided to the laboratory for analysis shall not identify the person by name, but only by number assigned and recorded by the chief of security or his designated representative of the horse racing commission.

(2) When the testing is to be done as a result of reasonable suspicion or the result of mandatory testing being conducted after a positive test, the same procedure for handling the specimen shall be utilized, but the sample may be taken at the track and witnessed by the chief of security or his designated representative of the horse racing commission. The witness must be of the same sex as the person being tested. After the sample is taken and sealed, the chief of security or his designated representative of the horse racing commission will be responsible for the evidentiary chain of custody and transportation of the sample to the laboratory. The chief of security of the horse racing commission will maintain a checklist of procedures in implementing these steps which will be marked as they are carried out and it will be maintained as part of security records.

NEW SECTION

WAC 260-34-090 A POSITIVE TEST. In order to be considered positive, any test must be confirmed by at least two independent testing methods which are state-of-the-art as determined by the laboratory conducting the tests. If marijuana is detected, it will not be reported positive unless found at the level of one hundred nanograms per milliliter.

A positive controlled substance or prescription drug result shall be reported by the laboratory to the presiding steward at the track. On receiving written notice from the laboratory that a specimen has been found positive for a controlled substance or prescription legend drug, the procedure shall be as follows:

(1) The presiding steward shall give notice to the licensee or employee in writing, setting a hearing by the board of stewards within the next two racing days of delivery of the notice or sooner if the licensee or employee and the board of stewards agree.

(2) At the hearing, the licensee or employee shall be provided an opportunity to explain the positive test.

(3) This hearing shall be closed and the findings kept confidential unless for use with respect to any order issued pursuant to this chapter or any administrative or judicial hearing with regard to such a finding.

(4) Lacking a satisfactory explanation and documentation or upon the licensee or employee agreeing with the test results, the board of stewards shall:

(a) Suspend the licensee or employee until such time as a negative test can be submitted by that licensee or employee and the results reviewed by the board of stewards.

(b) Refer the licensee or employee to an approved agency for a drug evaluation interview. If after such evaluation, the licensee or employee's condition proves nonaddictive and not detrimental to the best interests of racing as determined by the board of stewards, the licensee or employee shall be allowed to participate in racing provided he or she agrees that further testing may be done as described in WAC 260-34-030(3).

(c) If, after such professional evaluation, the licensee or employee's condition proves addictive or detrimental to the best interests of racing, the licensee or employee shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show official documentation that he or she has successfully completed a certified drug rehabilitation program approved by the board of stewards, in consultation with the executive secretary of the horse racing commission. The licensee or employee must agree to further testing as described in WAC 260-34-030(3).

(5) For a second offense in the calendar year, the licensee or employee shall be suspended for the balance of the calendar year or one hundred twenty days, whichever is greater, and he or she is required to complete a certified drug rehabilitation program approved by the board of stewards in consultation with the executive secretary of the horse racing commission before applying for a reinstatement of license.

(6) When any licensee or employee has a history of more than two drug-related violations of this chapter, that licensee or employee may be declared detrimental to the best interests of racing and sanctioned as such.

NEW SECTION

WAC 260-34-100 CONFIDENTIALITY TEST RESULTS. The chief of security of the horse racing commission shall maintain all test results and records, both negative and positive, confidential. He shall document the process which will ensure the confidentiality of the handling of such results. Information contained in the test results shall remain confidential at all times except for use with respect to any order issued pursuant to this chapter or any administrative or judicial hearing with regard to such an order. Access to the reports of any test results shall be limited to the board of stewards, the chief of security of the commission at the track, and the person being tested, except in the instance of a contested matter. The information obtained as a result of a test being required under the rules of the horse racing commission shall be considered privileged and shall be used for administrative purposes only and, further, shall be exempt from use as evidence in any criminal prosecution involving the violation of offenses listed in chapter 69.50 RCW.

NEW SECTION

WAC 260-34-180 TESTING EXPENSE. All testing, whether blood, urine, or breath, ordered pursuant to this chapter shall be at the expense of the horse racing commission. All expense of drug and/or alcohol evaluation, treatment, reports, and fees shall be at the expense of the licensee or employee undergoing such evaluation or treatment.

WSR 88-09-034
PROPOSED RULES
COUNTY ROAD ADMINISTRATION BOARD
 [Filed April 15, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules concerning project prioritization in northeast region, WAC 136-130-050;

that the agency will at 3:00 p.m., Wednesday, April 20, 1988, in the Washington Mutual Bank, Ritzville, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 36.79.060.

The specific statute these rules are intended to implement is RCW 36.79.140.

This notice is connected to and continues the matter in Notice No. WSR 88-01-110 filed with the code reviser's office on December 22, 1987.

Dated: April 14, 1988
 By: Ernest Geissler
 Director

WSR 88-09-035
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed April 15, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Holidays—Rules, regulations governing, amending WAC 356-18-030;

that the agency will at 10:00 a.m., Thursday, May 12, 1988, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 10, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-06-022 filed with the code reviser's office on February 25, 1988.

Dated: April 15, 1988
 By: Leonard Nord
 Secretary

WSR 88-09-036
ADOPTED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 308—Filed April 15, 1988]

Be it resolved by the State Wildlife Commission and Department of Wildlife, acting at the Hallmark Inn, 3000 Marina Drive, Moses Lake, WA 98837, that it does adopt the annexed rules relating to wildlife rehabilitation permits, adopting WAC 232-12-275.

This action is taken pursuant to Notice No. WSR 88-06-064 filed with the code reviser on March 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 77.12.030 and 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 7, 1988.

By Dr. James M. Walton
 Chairman, Wildlife Commission

NEW SECTION

WAC 232-12-275 WILDLIFE REHABILITATION PERMITS. (1) It is unlawful to possess wildlife for the purpose of rehabilitation without first obtaining a current, valid Washington state "wildlife rehabilitation permit".

(2) A wildlife rehabilitation permit, valid for the time specified on the permit, may be issued to a person to treat or care for injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.

(3) The director may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate 6 months of experience in wildlife rehabilitation, which must include 3 months during the spring or summer. The director may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director.

(c) Applicants who are not licensed veterinarians must provide to the department a letter signed by a person willing to act as principal veterinarian.

(d) The wildlife rehabilitation facility must meet the wildlife rehabilitation care standards and wildlife rehabilitation facility standards as prescribed by the director. Wildlife rehabilitation facilities permitted by the director prior to May 15, 1988 must meet the wildlife rehabilitation facility standards prescribed by the director or have a director approved plan for implementation on or before January 1, 1989.

(4) It is unlawful to hold wildlife for longer than 180 days except as authorized by the director.

(5) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(6) It is unlawful to retain wildlife for the purpose of orphan-imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping", except as provided by written permission from the director.

(7) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(8) A wildlife rehabilitator may receive from the department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife being rehabilitated.

(9) The holder of a wildlife rehabilitation permit must submit to the department no later than January 31 of each year an annual report providing information as required by the director. The department will provide wildlife rehabilitators with a wildlife rehabilitation ledger which may also be submitted as the annual report.

(10) It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within 24 hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(11) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. These records will be maintained on a calendar year basis and will be retained for a period of five years. A copy of the valid wildlife rehabilitation permit must be in the possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(12) Wildlife agents may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(13) It is unlawful for a permittee to fail to comply with the conditions of a wildlife rehabilitation permit.

(14) For the purposes of this rule, the following definitions apply:

(a) "Wildlife rehabilitation" means the care and treatment of injured, diseased, or abandoned wildlife, including but not limited to capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(b) "Wildlife rehabilitation facility" means the authorized site(s) as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(c) "Wildlife rehabilitator" means a person who cares for or treats injured, diseased, or abandoned wildlife for the purpose of releasing said wildlife to the wild.

(d) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to possess for treatment or care, injured, diseased, or abandoned wildlife for the purpose of successful release to the wild.

(e) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in the medical treatment of injured, diseased, or abandoned wildlife.

(f) "Public display" means to place or locate wildlife so that it may be viewed by the public.

(g) "Imping" means a method of repairing broken feathers.

(h) "Orphan-imprinting" means to use non-releasable adult wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young of the same species.

WSR 88-09-037

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2620—Filed April 15, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-82-010 Medical care—Programs described—Limitations.

Amd WAC 388-99-010 Medically needy assistance.

This action is taken pursuant to Notice No. WSR 88-06-077 filed with the code reviser on March 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 12, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2378, filed 5/14/86)

WAC 388-82-010 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE. Medical assistance is available to any individual who is categorically needy.

(1) Individuals receiving or eligible to receive a cash assistance payment. Categories under which individuals may qualify include:

- (a) Aid to families with dependent children (AFDC);
- (b) Supplemental Security Income (SSI);

(c) State supplemental payment. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for medic-aid; and

(d) Individuals under age twenty-one whose income is less than the one person AFDC standard and who are in:

- (i) Foster care; or
- (ii) Subsidized adoption; or
- (iii) Skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded (ICF/MR); or
- (iv) Approved inpatient psychiatric facilities.

(e) A pregnant woman who would be eligible for AFDC if her child were born and living with her. In determining income eligibility for Medicaid, the department shall increase the number in the household (~~is in-creased~~) by one before (~~being compared~~) comparing the pregnant woman's income to the AFDC payment standard.

(f) Family independence program.

(2) Individuals in medical facilities:

(a) Who would be eligible for cash assistance if they were not institutionalized. This includes all categorically needy groups;

(b) Who are SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.

(3) Individuals who would not receive cash assistance because of special provisions as defined in WAC 388-83-028.

AMENDATORY SECTION (Amending Order 2453, filed 12/22/86)

WAC 388-82-115 THE DEPARTMENT SHALL CLASSIFY AS ELIGIBLE FOR CATEGORICALLY NEEDY MEDICAL ASSISTANCE. (1) Persons who, in August 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who are ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in Social Security benefits under Public Law 92-336.

(2) Persons who were entitled to RSDI benefits in August 1972, and are ineligible for AFDC, FIP, or SSI solely because of the twenty percent increase in Social Security benefits under Public Law 92-336.

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

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

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

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

(d) The department shall consider earned income tax credits (EITC) ((must be considered)) as income for purposes of this subsection.

(4) Current recipients of Title II, SSA benefits who:

(a) Were concurrent recipients of Title II and SSI benefits; and

(b) Are ineligible for SSI benefits and/or state supplementary payments; and

(c) Would be eligible for SSI benefits if the following were deducted from the current Title II benefit amount:

(i) All Title II cost-of-living benefit increases received by the recipient since termination from SSI/SSP; and

(ii) All Title II cost-of-living benefit increases received during the time period in (c)(i) of this subsection by the recipient's spouse and/or other financially responsible family member living in the same household.

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

(6) Pregnant women, with no other eligible children, who are ineligible for AFDC or FIP cash assistance solely because they have not reached the sixth month of pregnancy.

(7) Persons who are denied AFDC or FIP cash payments solely by reason of recovery of an overpayment.

(8) Children under five years of age, who are born after September 30, 1983, and who meet the income and resource requirements of AFDC or FIP financial assistance.

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

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

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

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

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

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

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

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

(12) Pregnant women who do not meet the deprivation requirements of AFDC or FIP financial assistance if:

(a) They would meet the AFDC or FIP financial assistance income requirements if the number in the

household is increased by one before being compared to the payment standard; and

(b) They meet the AFDC or FIP financial assistance resource requirements.

(13) Persons who are denied AFDC, FIP or SSI cash assistance solely because of deeming of income of alien sponsors.

(14) Current disabled recipients of widow's or widower's benefits under section 202 (e) or (f) of the Social Security Act if ~~((he or she))~~ the disabled person:

(a) Was entitled to a monthly insurance benefit under Title II of the Social Security Act for December 1983; and

(b) Was entitled to and received a widow's or widower's benefit based on a disability under section 202 (e) or (f) of the Social Security Act for January 1984; and

(c) Became ineligible for SSI/SSP in the first month in which the increase provided under section 134 of P. L. 98-21 was paid to him or her; and

(d) Has been continuously entitled to a widow's or widower's benefit under section 202 (e) or (f) of the act; and

(e) Would be eligible for SSI/SSP benefits if the amount of that increase, and any subsequent cost-of-living increases provided under section 215(i) of the act, were disregarded.

(15) Family units suspended from FIP financial assistance because of increased earned income. This period of eligibility shall not exceed twelve months as determined by WAC 388-77-735.

(16) Family units ineligible for FIP solely because of increased hours of employment shall remain categorically eligible for medical assistance for four calendar months beginning with the month of ineligibility provided that:

(a) The family unit received FIP in at least three of the six months immediately preceding the month of ineligibility;

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

(c) The family unit is otherwise eligible for FIP except for increased hours of employment.

AMENDATORY SECTION (Amending Order 2378, filed 5/14/86)

WAC 388-99-010 PERSONS ELIGIBLE FOR MEDICALLY NEEDY ASSISTANCE. The department shall determine as medically needy ~~((refers to))~~ a resident of the state of Washington ~~((whose income and/or resources are above the limits prescribed for the categorically needy and))~~ who meets the income and resource ((limits of the SSI program)) standards in WAC 388-99-020 and 388-99-035 and is:

~~(1) ((Related to aid to families with dependent children (AFDC). See chapter 388-83 WAC.~~

~~(2) Related to Supplemental Security Income (SSI). See chapter 388-92 WAC.~~

~~(3) Related to state supplementary payment program (SSP):~~

~~(4) Under age twenty-one and in:~~

~~(a) Foster care, or~~

~~(b) Subsidized adoption, or~~

~~(c) Skilled nursing facility, intermediate care facility, intermediate care facility/mentally retarded;~~

~~(d) An approved inpatient psychiatric facility.~~

~~(5) Aged, blind, or disabled and residing in a medical facility with income above the three hundred percent of the SSI [federal] benefit [cap] [amount payable under section 1611 (b)(1) of the Social Security Act to an individual in his/her own home who has no income or resources (SSI cap)].~~

~~(6)) An individual who, but for income and/or resources, would be categorically needy under WAC 388-82-010, or~~

~~(2) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse if:~~

~~(a) The ineligible spouse is related to the SSI program due to being aged, blind, or disabled; and~~

~~(b) The ((ineligible spouse is not receiving an SSI payment in his/her own right, and~~

~~(c) The income of the couple, including SSI payment, are considered:~~

~~(7)) couple meets the income and resource requirements of this chapter when the total income of the SSI beneficiary is excluded, or~~

~~(3) A child under five years of age, born after September 30, 1983.~~

~~((8)) (4) A pregnant woman who does not meet the aid to families with dependent children and/or FIP income, resource and/or deprivation requirements. For this subsection:~~

~~(a) The period of eligibility includes the ((six weeks following delivery)) sixty-day period beginning with the last day of pregnancy to cover the post partum care; and~~

~~(b) The department shall increase the number in the household ((shall be increased)) by one before ((being compared)) comparing the pregnant woman's income to the medically needy income level in WAC 388-99-020; and~~

~~(c) The department shall increase the number in the household ((shall be increased)) by one before ((being compared)) comparing the pregnant woman's income to the resource level in WAC 388-99-035.~~

**WSR 88-09-038
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed April 15, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning consolidated juvenile services programs, amending chapter 275-35 WAC;

that the agency will at 10:00 a.m., Thursday, May 26, 1988, in the Auditorium, Office Building 2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 27, 1988.

The authority under which these rules are proposed is RCW 13.06.030.

The specific statute these rules are intended to implement is RCW 13.06.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 26, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015. The meeting site is in a location which is barrier free.

Dated: April 14, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 275-35 WAC.

Purpose of the Rule Change: To simplify language and eliminate duplications internally and between this rule and chapters 13.06 and 13.40 RCW.

Reason(s) These Rules are Necessary: To eliminate duplications and inconsistencies which place an unnecessary burden on contractors in budgeting, planning and reporting.

Statutory Authority: RCW 13.06.030.

Summary of the Rule or Rule Change: This change adds definitions and eliminates duplications and inconsistencies internally and between the rule and chapters 13.06 and 13.40 RCW.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: John Brunson, Juvenile Rehabilitation Administrator, Juvenile Rehabilitation, phone 753-0985.

Person or Organization, if Other than DSHS who Proposed These Rules: N/A.

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

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-020 DEFINITIONS. (1) "Activities" means specific tasks or units of accomplishment which lead to a desired result or outcome.

(2) "Administration" means discrete, assignable activities and costs necessary for overall management and support of a consolidated juvenile services program.

(3) "Application" ((is)) means the document requesting state funds for specific projects under the consolidated juvenile services program.

((2)) (4) "Case plan" means the document establishing direction, providing updates, and revisions of a juvenile's activities in a project or program.

(5) "Consolidated juvenile services program" or "program" ((is)) means that portion of the county's juvenile justice, education, and social service systems providing services to a juvenile who has been adjudicated an offender ((or)), referred to a diversion unit, or is at risk of becoming involved in the juvenile justice system.

((3)) (6) "Consolidated juvenile services review committee" or "review committee" means a group of individuals whose function is to provide input and review and make comments regarding the application. Said review committee shall be selected by the program administrator in consultation with the executive body and include, but not necessarily be limited to, representatives from the following: The executive's office, juvenile court judges and staff, law enforcement, prosecuting and defense attorneys, ((law and justice planning personnel; state-funded diversion units;)) educators, ethnic minorities, children services professionals, citizens, and private sector youth-serving groups.

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

(5)) (7) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

((6)) (8) "Division" means the division of juvenile rehabilitation.

((7)) (9) "Indirect costs" means costs for staff, goods, and services which exist or are required exclusive of the consolidated juvenile services program.

(10) "Juvenile" means an individual under the chronological age of eighteen years and who has not been transferred to adult court.

(11) "Juvenile justice system" or "system" means the organizational structure and process existing in the county for handling ((juvenile offenders)) juveniles accused of or adjudicated for an offense.

((8)) (12) "Juvenile offender" means a juvenile found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom the juvenile court has extended jurisdiction.

(13) "Participating county" means a county or counties making application under this chapter.

((9)) (14) "Planning body" means that individual or group of individuals responsible for the development of the application.

((10)) (15) "Program administrator" or "administrator" means the person designated to administer the consolidated juvenile services program. ((This will be the juvenile court administrator except in those counties choosing not to participate in CJS or in those instances where the juvenile court administrator chooses not to administer the program.))

(16) "Project" ((is)) means a single unit of work to be performed as part of a consolidated juvenile services program.

((12)) (17) "Project supervisor" or "supervisor" means a person designated to supervise a project or projects in the consolidated juvenile services program.

((13)) (18) "Regional administrator" means the regional administrator of one of the division's six administrative regions, or his or her designee.

((14)) (19) "Regional plan" means the document ((approved)) developed by the ((division)) regional administrator setting forth regional program emphasis and priorities for the ensuing funding period.

((15) "Secretary" means the secretary of the department of social and health services.) (20) "Results" means outcomes or indications that activities have been accomplished.

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

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-030 ESTABLISHMENT OF A CONSOLIDATED JUVENILE SERVICES PROGRAM. (1) Request to participate.

(a) A request by a county or group of counties to participate under these provisions shall include a resolution or letter of intent submitted to the division by the executive body expressing intent to participate.

(b) After official acceptance by the regional administrator, the county's application ((with)) shall be considered in determining the division's community program expenditure for the ensuing funding period.

(c) Other public and private sector agencies within the county shall be considered in the development of the application and may be included as subcontractors in the county's request for funding by the division.

(d) Other public and private sector agencies may apply directly to the division for program funds. In such instances said agencies shall be responsible to meet all obligations and requirements specified for participating counties under this chapter.

(2) Program planning process and approval.

(a) Based upon divisional goals, the regional administrator develops the regional ~~((priorities))~~ plan to assist planning bodies in formulating local priorities and program strategies.

(b) Each participating county shall develop through its existing planning process a program application for the delivery of services ~~((to juvenile offenders))~~ and shall agree through submission of the application to comply with the provisions of this chapter.

(c) The application ~~((with))~~ shall be submitted to the review committee who ~~((with))~~ shall review and make comments, which shall include but not be limited to the following areas:

~~((i))~~ ~~((The provision of services to identified offender groups and access to services by all offenders;~~

~~((ii))~~ Efforts to identify and utilize existing community services;

~~((iii))~~ (ii) The avoidance of service duplication;

~~((iv))~~ ~~The maintenance of existing county and private agency commitment of funds to juvenile offender programs;~~

~~((v))~~ (iii) Appropriate linkage to and support from other elements of the county's existing juvenile justice, education, and social service systems; and

~~((vi))~~ (iv) The extent to which the regional ~~((priorities have))~~ plan has been ~~((considered))~~ addressed.

(d) Prior to the submission of the application to the regional administrator, the comments of the review committee ~~((with))~~ shall be considered by the planning body who ~~((with))~~ shall, if needed, either modify the plan or attach to the plan the reasons for not making suggested modifications.

(e) Written guidelines and instructions for preparing the application ~~((with))~~ shall be provided by the division. The application shall be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector resources within regional boundaries and shall be submitted to the regional administrator for review and ~~((subsequent))~~ approval.

(f) The division may provide planning bodies and review committees with technical services in the development of the application.

~~((3))~~ Definitions of juvenile offender groups. Applications submitted must address service components for at least the following groups of juvenile offenders:

(a) Divertees. Juveniles participating in diversion under chapter 13.40 RCW.

(b) Court-adjudicated offenders not committed to the department. Juveniles who have been adjudicated by the court, but not committed to the department, and fall into one of the following categories:

(i) Minor/first offenders. Juvenile offenders defined as minor/first under chapter 13.40 RCW.

(ii) Middle offenders. Juvenile offenders who:

(A) Are not minor/first offenders as defined by chapter 13.40 RCW;

or

(B) Have less than one hundred ten points on the standard sentencing scale, or

(C) Have not been committed to the department through the declaration of "manifest injustice."

(iii) High risk offenders. Juvenile offenders who:

(A) Have one hundred ten points or more on the standard sentencing scale, or

(B) Have committed a current offense that is a felony and are already on community supervision as a middle or serious offender, or

(C) Have committed a current offense which is a felony against people, or

(D) Have committed a current offense which is a felony and have evidenced increasingly serious criminal behavior within the previous twelve months, or

(E) Are defined as a serious offender by chapter 13.40 RCW and are allowed to remain in the community through the declaration of "manifest injustice."

(c) Court-adjudicated offenders committed to the department. Juveniles who have been adjudicated by the court and committed to the department, and fall into one of the following categories:

(i) Juveniles residing in the community as parolees or under the community residential placement program;

(ii) Juveniles residing in a county detention facility under a community commitment program;

(iii) Juveniles residing in a division institution or group home.

~~((d) Interstate compact agreement offenders. Juveniles supervised on parole through the interstate compact agreement.))~~

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-040 GENERAL PROVISIONS. (1) Access to services and use of existing community resources.

(a) Program administrators shall ensure all ~~((juvenile offenders))~~ juveniles participating in the program have access to appropriate services, activities, and opportunities.

(b) Planning bodies shall avoid duplicating existing community services. If proposed services are similar to those already existing in the community, clear evidence must be presented in the application to demonstrate why such existing services are inappropriate or unavailable to meet identified needs or why such services cannot be provided through cooperative program planning or shared funding arrangements.

(2) All juveniles served by projects covered under this chapter shall be afforded due process in all contacts, especially those which may result in a more restrictive intervention.

(3) All projects included in the application shall comply with the provisions of this chapter, applicable divisional policies and standards, juvenile court rules, as well as other applicable standards and rules.

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-050 ORGANIZATION. ~~((+))~~ The organizational structure of the program is the prerogative of the county or private sector agency participating under this chapter and shall not be dictated by these standards.

~~((2))~~ ~~The organizational structure shall be set forth in the application and shall reflect the program's relationship to other juvenile justice components operating within the county and region.))~~

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-060 ADMINISTRATION. (1) ~~((The distribution of funds for consolidated juvenile services programs))~~ Approval of the application shall be contingent upon(:

~~((a))~~ the designation of a program administrator ~~((, and (b) The designation of))~~ as well as a ((single project)) supervisor for each ((subcontract awarded outside the prime contract)) project.

Said administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities ~~((;))~~ and results ~~((, and impacts))~~.

(2) Administrators or supervisors ~~((with))~~ shall meet at least ~~((quarterly))~~ twice annually with the regional administrator ~~((or designees))~~ to review progress toward the achievement of results and other matters related to the overall implementation and funding of projects within the ~~((consolidated juvenile services))~~ program.

(3) Administrators or supervisors shall submit ~~((activity, narrative, and other))~~ reports and data as requested relating to programs and/or projects covered under this chapter to the regional administrator and shall participate with the regional administrator in the development of program and/or project status reports as may be required by the division.

(4) Case records and management information.

(a) Administrators and supervisors shall ensure a case record is kept for each juvenile ~~((offender))~~ in projects covered under this chapter ~~((; except))~~. Diversion units will keep only such information as is necessary to monitor and evaluate the referral and disposition activities.

(b) Juvenile offender records ~~((other than diversion))~~ shall minimally contain ~~((: (i) A treatment plan based upon identified needs setting))~~ a case plan, based upon assessed factors related to risk to reoffend, setting forth specific objectives and methods ~~((in concise behavioral terms.))~~ and ~~((it))~~ a termination/closing report summarizing case activity and results.

(c) Case records and plans shall be current and ~~((treatment plans updated))~~ reviewed at least quarterly by program staff. Reviews shall be documented in the case record.

(d) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(e) Administrators and/or supervisors ~~((with))~~ shall provide necessary statistical data to maintain case files in the division's management information system.

(5) Policies and procedures.

(a) Each administrator shall maintain written policies and procedures (~~which shall include, but not be limited to, the following: (i) for the reporting of serious criminal incidents involving juveniles participating in the program (to the regional administrator. (ii) Reporting of)~~ and misconduct or malfeasance by staff of the program to the regional administrator.

(b) These policies and procedures (~~will~~) shall be (~~reviewed at least annually by the regional administrator or designee~~) submitted as attachments to the application.

(6) Change in application.

(a) Modification of a project requires the advance written approval of the regional administrator and may, at the regional administrator's discretion, require review and comment by the review committee.

(b) Changes in the budget during a funding period are accomplished by transfer, modification, or amendment.

(i) Transfers. The reallocation of funds between line items of the contract (~~which will~~) not (~~exceed~~) exceeding four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year and which (~~will~~) does not change the overall scope of the program may be accomplished by written notification to the regional administrator.

(ii) Modifications. Reallocation of funds between line items of the contract exceeding four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year requires advance written approval of the regional administrator. The regional administrator may require review and comment by the review committee.

(iii) Amendments. Amendments (~~require the involvement of the department's contracts office;~~) shall be processed through the division's regional office, and may, at the regional administrator's discretion, require review and comment by the review committee. Amendments are necessary when:

(A) Contract amounts are increased or decreased;

(B) (~~Major change in the application~~) A project is (~~proposed~~) added or deleted;

(C) Increased agency staffing is requested;

(D) A change exceeds ten percent of the total contract budget;

(E) A change moves moneys into a previously vacant line item.

(7) Training. Each participating county or agency (~~providing services under this chapter~~) shall (~~provide relevant~~) ensure program staff receive training necessary to execute programs covered under this chapter.

(8) Assumption of division services.

(a) The assumption of division services shall be negotiated between the regional administrator and the administrator and will be reviewed by (~~the review committee and~~) the (~~division's central office~~) director prior to a final decision.

(b) Where such services are assumed, the regional administrator (~~will~~) shall provide appropriate orientation and training.

(9) Review board authority in projects covered by this chapter shall rest with the administrator.

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-070 MONITORING OF PERFORMANCE AND EVALUATION OF PROGRAM IMPACT. (1) It shall be the responsibility of the administrator to submit activity reports, (~~quarterly~~) narrative reports, corrective action plans and reports, and other such reports as specified in the division's monitoring (~~system~~) instructions for the program to the regional administrator.

(2) It shall be the responsibility of the regional administrator to submit to the (~~division's central office~~) director progress reports as specified in the division's monitoring (~~system~~) instructions for the program.

(3) The regional administrator may, at any time, request a formal program/project or fiscal audit (~~through the department~~) and may also request other available technical services to assist in monitoring and evaluating the program/projects.

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-080 DISTRIBUTION OF FUNDS AND FISCAL MANAGEMENT. (1) Funding constraints.

(a) Funds for programs covered by this chapter shall be utilized for the achievement of activities(~~;~~) and results(, and impacts) stated for each project.

(b) Failure on the part of any project to perform in accordance with the provisions of this chapter or to achieve established activities(~~;~~)

and results(~~, and impacts~~) may result in the termination or reduction of funds.

(c) The administrator shall be responsible for the management of all fiscal matters related to the program, shall comply with state and local policies and procedures and the terms and conditions of the contract, and shall provide information to the regional administrator at regular and requested intervals.

(2) Limitations of funding.

(a) Funds received by participating counties shall not be used (~~to replace local funds for existing services~~) for indirect costs.

(b) Mileage reimbursement and per diem may not exceed the current allowable state or county rate, whichever is less.

(c) Equipment purchases (~~must~~) shall be approved in advance by the regional administrator and (~~should~~) shall be processed through the regional office whenever possible and feasible.

(d) Funds for evaluation are allowable, but the design, scope, and the expected final product (~~must~~) shall be clearly specified in the application.

(e) Funds for (~~administrative salaries, benefits, and program support~~) administration may not exceed ten percent of the total contract award.

(f) Further limitations on the distribution of funds for certain expenditure categories may be set forth in the division's application and budget instructions for the program.

AMENDATORY SECTION (Amending Order 2221, filed 4/4/85)

WAC 275-35-100 EXCEPTIONS TO RULES. A waiver of the specific requirements of this chapter may be requested by written application to the director in situations where the imposition of such provisions can be shown to be detrimental or impractical to overall program operations. The director (~~will~~) shall give each waiver request individual consideration and promptly advise the applicant in writing of the director's decision regarding the waiver and explain the basis for such decision.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 275-35-090 SERVICES.

**WSR 88-09-039
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2621—Filed April 15, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to aid to families with dependent children eligibility, amending chapter 388-24 WAC.

This action is taken pursuant to Notice No. WSR 88-04-036 filed with the code reviser on January 28, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED April 14, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2275A, filed 8/30/85)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. ~~((Effective September 1, 1985;))~~ The department shall grant AFDC ~~((shall be granted in))~~ on behalf of a needy child who:

(1) ~~((Who is under the age of eighteen years;~~

~~(a) AFDC may be granted to a pregnant woman with no other children, provided there is medical confirmation the pregnant woman is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner confirming pregnancy and the expected date of birth.~~

~~(b) AFDC shall be continued through the month the child reaches the maximum age.~~

~~(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington—see WAC 388-26-055 through 388-26-105;~~

~~(3) Who is deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent—see WAC 388-24-055 through 388-24-074. A parent is a person acknowledging parentage and meeting the criteria in the Uniform Parentage Act (chapter 26.26 RCW) or a person whose parentage has been established by court order. For the purpose of determining eligibility for AFDC, a person not married to the child's parent when the child was born, or whose parentage has not been established by court order, shall be considered a parent only for periods beginning on or after the date the department documents the person acknowledges parentage and meets the criteria of the Uniform Parentage Act. If parentage is contested, a court order will be required to determine parentage. If unemployment of a parent or stepparent is the basis of deprivation, all provisions of WAC 388-24-074 apply;~~

~~(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(11);~~

~~(5)(a) Who) Is living in the home of a relative of specified degree(~~(, except)~~). For ((a) temporary ((period)) absences, ((as provided in)) see WAC 388-24-207 and 388-24-125; ((or~~

~~(b) Who, as a result of judicial action, was removed from his or her home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;))~~

~~((6)) (2) ((Who) Is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States ((as described in)) (see WAC 388-26-120);~~

~~((7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;~~

~~(8)) (3) ((Who) Is in financial need ((=)) (see chapters 388-28 and 388-33 WAC);~~

~~((9)) (4) Is a resident of the state of Washington, or resides with a parent or other relative who is a resident of the state of Washington (see WAC 388-26-055 through 388-26-105 and WAC 388-24-125);~~

~~(5) Is deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent. A parent is a person acknowledging parentage and meeting the criteria in the Uniform Parentage Act (see WAC 388-24-055 through 388-24-074);~~

~~(6) Meets the following age requirements:~~

~~(a) ((Who)) Is ((a child)) under eighteen years of age ((and)); or~~

~~(b) Is under nineteen years of age ((who is)) and a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which ((nineteen years of age is reached, except;)) the ((school or training requirement shall not apply to an unmarried parent eighteen years of age and under nineteen years of age when such parent and his or her)) child ((live in the home of such parent's parent or legal guardian. Such parents shall be included in an assistance unit as a needy child under rules applicable to minor parents in WAC 388-24-050(3) without regard to school or training attendance.~~

~~((10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050)) reaches age nineteen; or~~

~~(c) Is unborn and there are no other eligible children in the household. In this case, the department grants AFDC only to the unborn's mother, provided:~~

~~(i) There is medical conformation the woman is in the third trimester of pregnancy (the three calendar months preceding the expected month of birth); and~~

~~(ii) If such child was born and residing in the same household as the woman, in the the month of payment, they would otherwise be eligible for aid to families with dependent children.~~

AMENDATORY SECTION (Amending Order 2275A, filed 8/30/85)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. ~~((Effective September 1, 1985, AFDC is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of certain individuals residing together.))~~

~~(1) ((Certain individuals, if living in the family home, must be included in a single assistance unit for determination of eligibility and payment amount; such individuals, except as provided in WAC 388-28-590, shall be included in the assistance unit regardless of their income or resources, and shall be excluded only if ineligible due to factors not related to need. Such ineligible individuals include, but are not limited to:~~

~~(a) Recipients of SSI benefits;~~

~~(b) Aliens not meeting the citizenship and alienage requirements as specified in WAC 388-26-120; and~~

~~(c) Individuals under sanction for noncooperation with the work incentive or employment and training programs as provided in WAC 388-24-107, or with child support~~

enforcement as provided in ~~WAC 388-24-108 and 388-24-109.~~

~~(2) The following individuals, under the conditions))~~ Except as specified in subsection ~~((1))~~ (3) of this section, ~~((if living in the home, must be included in a single assistance unit))~~ the department shall include, in a single assistance unit, the following persons living together:

~~(a) A woman in her third trimester of pregnancy who has no other child; or~~

~~(b) The ((child or children)) child(ren), including all ((natural or adoptive)) full or half brothers ((or half)) and sisters of such ((child or children)) a child(ren); and~~

~~((b)) (c) The ((natural or adoptive parent or par-~~ ents,) parent(s) or ~~((stepparent or stepparents-))~~ stepparent(s) with whom the ~~((child or children))~~ child(ren) lives; ~~((or). A minor parent must be included in the same assistance unit as such minor parent's eligible child or children))~~ and

~~(d) A minor parent's parent who claims to be the needy caretaker relative of:~~

~~(i) The minor parent,~~

~~(ii) The minor parent's child, or~~

~~(iii) The minor parent's full or half brother or half sister.~~

~~((3)) (2) ((The following individuals, if living in the family home))~~ Except as specified in subsection ~~(3)~~ of this section, the department may ~~((be included))~~ include in ~~((a single))~~ the assistance unit ~~((with the eligible child or children))~~ at the option of the family:

~~(a) One needy relative caretaker of specified degree whose eligibility depends solely on caring for the ((child or children)) child(ren), if a parent ((or parents do)) does not reside in the family home; or~~

~~(b) The stepbrothers or stepsisters of a child ((or children)) included in the assistance unit((; except a stepbrother or stepsister must be included in the assistance unit as specified in subsection (1) of this section if the assistance unit includes such stepchild's natural or adoptive full or half brother or half sister)), except as required in subsection (1) of this section.~~

~~((c) The natural or adoptive parent or parents or stepparent or stepparents of a minor parent, including a parent eighteen years of age and under nineteen years of age as specified in WAC 388-24-040(9), shall have the option of not being included in the assistance unit of the minor parent and minor parent's eligible child, except a minor parent's parent or stepparent shall be included in a single assistance unit with the minor parent and the minor parent's child when the following conditions are met:~~

~~(i) The minor parent's parent or stepparent requests assistance as the needy caretaker relative of the minor parent, or the minor parent's child, or the minor parent's full or half brother or half sister; and~~

~~(ii) The minor parent is not legally married or has been married and the marriage has been annulled. If a minor parent is legally married, including a minor parent whose marriage has been dissolved due to legal action other than annulment, a separate assistance unit shall be established to include the minor parent, such minor's child, and such minor's spouse if living in the home; and~~

~~(iii) The other parent of the minor parent's child does not live in the home. If the other parent lives in the home, a separate assistance unit shall be established to include the minor parent, the other parent, and their child. If the separate assistance unit is ineligible due to factors not related to need, and the minor parent is not married, the minor parent must be included as a needy child in the assistance unit of his or her parent or stepparent requesting assistance as specified in subsection (3)(c)(i) of this section.~~

~~(4) A single assistance unit shall also be established for:~~

~~(a) Only the eligible child or children, including siblings and half-siblings, when:~~

~~(i) The child or children's parent or parents are not eligible; or~~

~~(ii) The child or children live with a nonneedy relative of specified degree not legally responsible for the support of the child or children; or~~

~~(iii) The child or children live with a needy relative of specified degree receiving SSI; or~~

~~(iv) The child or children are recipients of AFDC-FC.~~

~~(b) Only the eligible parent or parents, or needy caretaker relative of specified degree, when the only child, or all the children, has been deleted from the grant because of receiving income from SSI.~~

~~(c) Only the woman in her third trimester of pregnancy and has no other child or children:))~~

~~((5)) (3) The department shall exclude from the assistance unit those persons ineligible due to factors not related to need. These persons include, but are not limited to:~~

~~(a) A recipient of SSI benefits;~~

~~(b) An alien not meeting the citizenship and alienage requirements (see WAC 388-26-120); and~~

~~(c) A person under sanction for noncooperation with:~~

~~(i) The OPPORTUNITIES program (see WAC 388-24-107); or~~

~~(ii) The department's office of support enforcement (see WAC 388-24-108 and 388-24-109).~~

~~(4) The department shall establish two assistance units ((are necessary)) when:~~

~~(a) ((The responsible relative must temporarily reside apart from his or her family to secure training in accordance with an approved plan. Refer to WAC 388-24-125;~~

~~(i) One assistance unit is maintained for the family members in the home; and~~

~~(ii) A separate assistance unit is established for the relative in training.~~

~~(b)) The child ((or children)) lives with a nonresponsible relative of specified degree who is a member of another assistance unit((:~~

~~(6) Two or more assistance units are necessary when two or more persons not married to each other each has his or her own child or children, and there is no child in common; a separate assistance unit is established for each parent and his or her eligible child or children:)); or~~

~~((7)) (b) ((When)) A relative of specified degree is eligible to receive assistance for two or more children for~~

whom ~~((he or she))~~ the relative is not legally responsible(:

~~(a) One assistance unit is established for each group of children who are siblings, and~~

~~(b) A separate assistance unit or units is established for each of the other nonsibling children, except if a nonsibling child is the child of a minor parent and the minor parent lives in the home, such child shall be included in an assistance unit as specified in subsections (2) and (3) of this section), and the children are not full or half siblings.~~

AMENDATORY SECTION (Amending Order 2275A, filed 8/30/85)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. ((Effective September 1, 1985:))

(1) ((Relationship of child to relative:

~~(a)) To be eligible for AFDC, a dependent child ((to be eligible for AFDC—R must)) shall be living with ((one or more of the following relatives in a place of residence the relative or relatives maintains as his or her own home)) a relative of specified degree.~~

(2) The department defines a relative of specified degree as:

(a) The natural mother;

(b) The natural father if:

(i) He was married to the natural mother when the child was born, or

(ii) The child was born within three hundred days of a termination of marriage; or

(iii) He attempted to marry the natural mother before the child's birth and the child is born within three hundred days after the termination of cohabitation; or

(iv) He receives the child into his home and openly holds out the child as his child; or

(v) He acknowledges paternity in writing and the natural mother does not dispute the acknowledgment; or

(vi) He and the child's natural mother have married or attempted to marry after the child's birth; and:

(A) He acknowledges paternity, filed with the registrar of vital statistics; or

(B) With his consent, he is named as the father on the child's birth certificate; or

(C) He is obligated to pay child support by written voluntary promise or by court order.

(c) A person who legally adopts a child.

~~((f)) (d) Blood relatives (including those of half-blood); ((father, mother,)) brother, sister, uncle, aunt, first cousin, nephew, or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.~~

~~((f)) (e) A stepfather, stepmother, stepbrother, and stepsister. ((Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.~~

~~(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" as defined in this section:))~~

~~((f)) (f) A spouse of ((any persons)) a person named in this section ((are)) is within the scope of this~~

provision, although the marriage is terminated by death or divorce.

~~((b)) (g) ((A child eligible for AFDC—E must be living with both natural parents, or adoptive parents, or a parent and stepparent. In order to determine members of the assistance unit, see WAC 388-24-050 also.~~

~~(c) A child eligible for AFDC—FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.~~

~~(2) Verification of relationships—relative to child and parents to each other.~~

All relationships shall be verified in accordance with WAC 388-38-200) A person identified in a court judgment or order as the child's relative as specified in subsection (2)(a) through (f) of this section.

~~(3) ((Other considerations in determining when)) The department shall determine a child is living in the home of a relative of specified degree(: when:~~

~~(a) (("Living in home of relative" means)) The ((child is an accepted member of a family unit, and therefore, has a close and direct relationship with a)) specified relative ((assuming)) has assumed parental responsibility for the care, guidance, and control of the child(:); and~~

~~(b) The "home" is a family setting maintained or in the process of being established for the benefit of the family group. A home exists ((as long as the responsible relative exercises responsibility for the care and control of the child,)) even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting, as long as the relative exercises responsibility for the care and control of the child. Such temporary separations include:~~

~~(i) Temporary care ((of the child or the responsible relative)) in a hospital or public or private institution when the illness is such that a return to the family can be expected ((and parental responsibility continues)) within ninety days. If the temporary care exceeds ninety days, the monthly grant standard shall be as specified in WAC 388-29-125.~~

~~(ii) Attendance of a child in school ((when the purpose is primarily for obtaining an education or vocational training:)) as follows:~~

~~(A) The ((responsible)) relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation((—The monthly grant standard for a child attending school away from home shall be as specified in WAC 388-29-145. However, even temporary absence of a child from his or her home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to:)); and~~

~~((A)) (B) The need for specialized education ((and)) or training is not available in the child's home community, and ((such specialized)) the education is recommended by local school authorities(: or~~

~~((B)) (C) Isolation of the child's home ((making)) makes it necessary for him or her to be away from home to attend school(: or~~

~~((C)) (D) ((Enrollment on or after September 1, 1981,)) The child is enrolled in an Indian boarding~~

school administered through the Bureau of Indian Affairs.

(iii) Visits in which the ~~((child or responsible relative is))~~ person plans to be away from home for ninety days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

(iv) Attendance of a responsible relative in a department-approved vocational training program ~~((when attendance is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training))~~. Absence is considered temporary for the period of time required to complete the training program ~~((, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.~~

~~(A) CSO approval is required for the training plan. (See WAC 388-57-028(2).)~~

~~(B) A separate assistance unit shall be established for the responsible relative in training away from home)) (see WAC 388-57-028).~~

(v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(c) ~~((An AFDC payment can be made for a))~~ The child ~~((who))~~ is a ward of the juvenile court, or other agency to whom the court has delegated authority, and if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control, and supervision of the child.

(d) ~~((An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control, and supervision of the child.~~

~~(e) An AFDC payment can be made to the caretaker relative in behalf of a child even if))~~ The child is in foster care ~~((The caretaker relative can apply for and receive AFDC for himself or herself and the child for thirty days, even though the child is not physically in the custody of the relative if)), and:~~

(i) The caretaker relative applies and is otherwise eligible(~~(;)~~);

(ii) The child is returned to the relative's home before the end of the thirty-day assistance period(~~(;)~~); and

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in the same thirty-day period.

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 88-09-040

INDETERMINATE SENTENCE REVIEW BOARD

[Filed April 18, 1988]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.04 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

- The original recommendation of the committing judge and prosecuting attorney
- Whether or not the parole violation behavior also resulted in an SRA conviction and any incarceration time as a result of the new conviction.
- Nature of both the original committing offense and the parole violation behavior.

2.050 NO MINIMUM TERM FOR CERTAIN CRIMES The Board does not fix minimum terms for persons sentenced or committed as follows: (1) Sentenced to death; (2) Sentenced to a maximum term of life imprisonment for Aggravated Murder in the First Degree; (3) Sentenced to Treason; (4) Murder First Degree with life mandatory. Duration of Confinement issues for life mandatory sentences are addressed per Board Rule 9.040. For informational purposes such persons may be seen at option of the Board. Amended: March 21, 1988

2.060 PRE-TRIAL DETENTION APPLIED TO MINIMUM TERM Pursuant to In Re Phelan, 97 Wn 2d590, 647 P2d 1026 (1983) and State v. Phelan, 100 Wn 2d 508, P2d_ (1983), that time served in a county jail should be credited against the discretionary minimum term and the maximum term, the Board herein adopts the following policy and procedure: County jail time certified by the county of commitment, or a court of competent jurisdiction, shall be credited to the appropriate cause against the inmate's discretionary minimum term, and maximum sentence.

Pursuant to In Re Knapp, WA. St. Supreme Court No. 50448-2 (Sept. 6, 1984) that time spent in a state mental hospital pursuant to a valid criminal conviction should be credited against the offender's mandatory maximum and discretionary minimum sentences, the Board herein adopts the following policy and procedure: State mental hospital time, certified by the mental facility in which the offender served or recognized by a court of competent jurisdiction, shall be credited to the appropriate cause against the offender's discretionary minimum term, mandatory minimum term and maximum sentence.

Minimum terms which have not been set will

have any guidelines used in setting of the minimum term adjusted downward to reflect presentence probationary jail time and time spent in Eastern State Hospital/Western State Hospital as a sexual psychopath or condition of parole, where properly certified. Adjustments will be made to the cause number for which the time was actually served.

CHAPTER IX

MANDATORY LIFE SENTENCE

- 9.010 PURPOSE The purpose of this Chapter is to specify Board procedure with regard to jurisdiction of indeterminate inmates convicted with a life mandatory.
- 9.020 AUTHORITY RCW 9.95.115, 9.95.009(2), and all other relevant citations.
- 9.030 SCOPE The provisions of this Chapter shall apply to adult offenders sentenced under the indeterminate sentencing law, and committed to a period of confinement in a Washington State correctional facility, pursuant to a mandatory life sentence, who have met the requirements of RCW 9.95.115 as certified to the Board by the Department of Corrections.

Adopted: March 21, 1988

- 9.040 PAROLABILITY/DURATION OF CONFINEMENT REVIEW - MANDATORY LIFE SENTENCE The Board will make no decision regarding parole release or duration of confinement of inmates subject to a mandatory life sentence until the requirements of RCW 9.95.115 have been satisfied by the inmate and certified to the Board by the Department of Corrections.

Once the Board receives certification in compliance with RCW 9.95.115, the inmate shall be scheduled for an in-person parolability/duration of confinement hearing to be conducted consistent with the Procedures for Conducting Parolability Hearings identified in Chapter V of the Board's rules.

Such hearing shall result in findings and recommendations which shall not be final until ratified by full Board vote. The final decision shall be supported by adequate reasons for the decision.

At least ten working days prior to the actual hearing, the inmate shall be provided with a notice of the hearing and information addressing the criteria contained in RCW 9.95.009(2) which is contained within his/her Board file which will be used in determining parole release and/or duration of confinement and will be invited to comment thereon in writing or in-person at the time of the hearing.

The information to be provided shall include:

1. A copy of the SRA guideline range for all offenses for which the Board has jurisdiction, including identification of seriousness level offender score, and which criminal history is being relied upon in arriving at the offender score.
2. The judge and prosecutor's recommendations regarding duration of confinement, along with any statements provided by the judge and/or prosecutor if not previously disclosed to the inmate.
3. Identification of any aggravating or mitigating factors of the commitment offense with citation to the factual sources from which they are identified.
4. A copy or summary of any other documents which are used in calculating the SRA guideline range or may be used in making a decision.

Adopted: February 22, 1988

WSR 88-09-041

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

[Memorandum—April 8, 1988]

On March 25, 1988, the board of regents of Washington State University set a schedule for their meetings from July 1, 1988, through June 30, 1989. Listed below are the dates, places, and times for these meetings:

- August 12, 1988 Northwest Washington Research and Extension Unit, Mt. Vernon, 8:00 a.m.
- September 16, 1988 Wilson Compton Union Building Pullman, 8:00 a.m.
- October 21, 1988 Wilson Compton Union Building Pullman, 8:00 a.m.
- November 18, 1988 Spokane, at a place to be determined, 8:00 a.m.
- January 13, 1989 Wilson Compton Union Building Pullman, 8:00 a.m.
- February 20, 1989 Seattle, at a place to be determined, 8:00 a.m.
- March 27, 1989 Wilson Compton Union Building Pullman, 8:00 a.m.
- May 5, 1989 Wilson Compton Union Building Pullman, 8:00 a.m.
- June 23, 1989 Irrigated Agriculture Research and Extension Center, Prosser 8:00 a.m.

WSR 88-09-042

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 88-13—Filed April 18, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to citizen complaint procedure for certain categorical federal programs, chapter 392-168 WAC.

This action is taken pursuant to Notice No. WSR 88-06-094 filed with the code reviser on March 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.02-.100 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 15, 1988.

By Frank B. Brouillet
Superintendent of
Public Instruction

Chapter 392-168 WAC

~~((GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE IV))~~ **SPECIAL SERVICE PROGRAMS—CITIZEN COMPLAINT PROCEDURE FOR CERTAIN CATEGORICAL FEDERAL PROGRAMS**

WAC

- 392-168-105 Authority.
- 392-168-110 Purpose.
- 392-168-115 Applicability.
- 392-168-120 Definition—Hatch Amendment.
- 392-168-125 Definition—Complaint.
- 392-168-130 Definition—Other subgrantee.
- 392-168-135 Right to register a complaint.
- 392-168-140 Contents of complaint.
- 392-168-145 Procedure for filing a complaint.
- 392-168-150 Complaint directed to a school district or other subgrantee and designation of responsible employee.
- 392-168-155 Investigation of and response to complaints against a school district or other subgrantee.
- 392-168-160 Appeal to the superintendent of public instruction of a local school district or other subgrantee decision.
- 392-168-165 Content of appeal notice.
- 392-168-170 Actions by superintendent of public instruction in response to notices of appeal and notices registering complaints.
- 392-168-175 Complaints against the superintendent of public instruction—Designation of responsible employee(s).

- 392-168-180 Complaints against the superintendent of public instruction—Investigation of and response to complaints.
- 392-168-185 Waiver of timelines.
- 392-168-190 Appeal to the secretary of education in complaints against the superintendent of public instruction.

NEW SECTION

WAC 392-168-105 **AUTHORITY.** The authority for this chapter is RCW 28A.02.100 which authorizes the superintendent of public instruction to receive and administer federal funds on behalf of school districts of the state of Washington in compliance with applicable rules and regulations.

NEW SECTION

WAC 392-168-110 **PURPOSE.** The purpose of this chapter is to ensure compliance by the state of Washington with 34 CFR 76.780 through 782, Department of Education regulations governing state-administered federal grant programs, and with the Hatch Amendment.

NEW SECTION

WAC 392-168-115 **APPLICABILITY.** This chapter shall apply to federal programs administered by the superintendent of public instruction and listed in 34 CFR 76.1(b):

- (1) Title III-A of the National Defense Education Act of 1958, Strengthening Instruction in Academic Subjects in Public Schools;
- (2) Title IV of Public Law 96-511, Emergency Immigrant Education Program;
- (3) Title II, Sections 201-206, 208-211, and 213 of the Education for Economic Security Act, State Grants for Strengthening the Skills of Teachers and Instruction in Mathematics, Science, Foreign Languages, and Computer Learning;
- (4) Part B of the Education of the Handicapped Act, Assistance to States for Education of Handicapped Children;
- (5) Section 619 of the Education of the Handicapped Act, Incentive Grants;
- (6) Part A of Title I of the Vocational Education Act, State Vocational Education Program;
- (7) Career Education Incentive Act (except Sections 10, 11, and 12) Career Education—State Allotment Program; and
- (8) Adult Education Act (except Sections 309, 314, 317, and 318), State Adult Education Program;
- (9) **PROVIDED,** That pursuant to 34 CFR 76.1(c), this chapter shall not apply to programs authorized under Chapter 1 and Chapter 2 of the Education Consolidation and Improvement Act of 1981:
 - (a) Chapter 1—Financial Assistance to Local Educational Agencies to Meet the Special Educational Needs of Educationally Deprived Children, Grants to State Educational Agencies for Program to Meet the Special Educational Needs of Migratory Children, Grants to

State Agencies for Programs to Meet the Special Education Needs of Children in Institutions for Neglected or Delinquent Children, State-operated Programs for Handicapped Children; and

(b) Chapter 2—Consolidation of Federal Programs for Elementary and Secondary Education:

(10) PROVIDED FURTHER, That any additional complaint procedure requirements of particular programs shall be applicable to those programs in addition to the basic citizen complaint procedure described in this chapter.

NEW SECTION

WAC 392-168-120 DEFINITION—HATCH AMENDMENT. As used in this chapter, the term the "Hatch Amendment" means section 439 of the General Education Provisions Act (GEPA), "Protection of Pupil Rights" which provides that:

(1) Parents or guardians of children involved in a research or experimentation project supported with federal funds shall have a right to inspect instructional materials used in connection with the project; and

(2) No student in such a project shall be required to submit to psychiatric or psychological examination, testing, or treatment which might reveal specified personal information without the consent of an adult or emancipated minor student or, for other minor students, without prior written parental consent.

NEW SECTION

WAC 392-168-125 DEFINITION—COMPLAINT. As used in this chapter, the term "complaint" means a written allegation, signed by the complainant, that the state, a local school district, an educational service district, or other subgrantee receiving federal funds has systematically violated a federal statute or regulation or a state regulation that applies to a federal program covered under this chapter.

NEW SECTION

WAC 392-168-130 DEFINITION—OTHER SUBGRANTEE. As used in this chapter, the term "other subgrantee" means the government, nonprofit, or other legal entity to which the state as grantee awards a subgrant, and which is accountable to the state for the use of the funds provided. The subgrantee is the entire legal entity even if only a particular component of the entity is designated in the subgrant award document.

NEW SECTION

WAC 392-168-135 RIGHT TO REGISTER A COMPLAINT. Any individual, entity, or organization may register a complaint: PROVIDED, That a complaint filed pursuant to the Hatch Amendment may be filed only by a student or parent or guardian of a student directly affected by the alleged violation: PROVIDED FURTHER, That if a parent or adult student has also filed an individualized complaint which constitutes the basis in whole or in part for initiation of a due process special education hearing pursuant to WAC 392-171-

531, a citizen complaint by such person regarding systemic noncompliance shall be held in abeyance until the hearing has been concluded.

NEW SECTION

WAC 392-168-140 CONTENTS OF COMPLAINT. A complaint filed under this chapter shall be in writing, signed by the complainant, and shall include:

(1) A statement that the state, a local school district, an educational service district, or other subgrantee has violated one or more requirements of federal statutes or regulations or state regulations that apply to a federal program;

(2) The facts on which the statement is based;

(3) The name and address of the complainant; and

(4) In the case of a complaint alleging a violation by an entity other than the state and filed directly with the superintendent of public instruction, the name and address of the allegedly offending entity.

NEW SECTION

WAC 392-168-145 PROCEDURE FOR FILING A COMPLAINT. The procedure for filing a complaint shall be as follows:

(1) A complaint alleging a violation by a local school district, an educational service district, or other subgrantee shall be filed directly with a responsible official of the local school district, an educational service district, or other subgrantee: PROVIDED, That a complaint alleging a violation by an entity other than the state may be filed directly with the superintendent of public instruction at the complainant's discretion.

(2) A complaint against a local school district, an educational service district, or other subgrantee filed directly with the superintendent of public instruction shall be referred back to the allegedly offending entity for action pursuant to this chapter.

NEW SECTION

WAC 392-168-150 COMPLAINT DIRECTED TO A SCHOOL DISTRICT, AN EDUCATIONAL SERVICE DISTRICT, OR OTHER SUBGRANTEE AND DESIGNATION OF RESPONSIBLE EMPLOYEE. The chief officer of each local school district, an educational service district, or other subgrantee shall designate at least one employee to monitor and coordinate the entity's compliance with this chapter. Such employee shall also be charged with the responsibility for investigating any complaint(s) communicated to the entity pursuant to WAC 392-168-145.

NEW SECTION

WAC 392-168-155 INVESTIGATION OF AND RESPONSE TO COMPLAINTS AGAINST A SCHOOL DISTRICT, EDUCATIONAL SERVICE DISTRICT, OR OTHER SUBGRANTEE. Investigation of and response to a complaint shall be as follows:

(1) Upon receipt of a properly filed complaint, the employee(s) designated pursuant to WAC 392-168-150 shall investigate the alleged violations.

(2) Upon completion of the investigation, the designated employee(s) shall provide the responsible official of the entity with a written report of the results of the investigation. Said officials shall respond in writing to the complainant no later than twenty calendar days after the date of receipt by the entity of such complaint.

(3) The response to the complainant shall clearly state either:

(a) That the entity denies the allegations contained in the complaint and the basis for such denial; or

(b) The reasonable corrective action deemed necessary to correct the violation: PROVIDED, That any such corrective measures shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

NEW SECTION

WAC 392-168-160 APPEAL TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A LOCAL SCHOOL DISTRICT, EDUCATIONAL SERVICE DISTRICT, OR OTHER SUBGRANTEE DECISION. The complainant shall have the following right of appeal:

(1) In the event a complainant remains aggrieved with the written decision of a local school district, an educational service district, or other subgrantee, or upon failure or refusal of such entity to respond to a properly filed complaint, the complainant may, in writing, appeal the decision to the superintendent of public instruction or, in the case of a failure or refusal to respond, may register the complaint directly with the superintendent: PROVIDED, That upon the refusal of the local school district, educational service district, or other subgrantee to grant a request of the parent (or adult student) for a due process special education hearing made in conformance with WAC 392-171-531, the parent (or adult student) may register the complaint with the superintendent of public instruction.

(2) The written notice of appeal must be received by the superintendent of public instruction on or before the fifteenth day after the date the complainant received the written response of the local school district, educational service district, or other subgrantee pursuant to WAC 392-168-155; or in the case of a failure or refusal to respond to a complaint, a written notice registering the complaint must be received by the superintendent of public instruction on or before the thirty-fifth day after the citizen registered the complaint with the entity.

(3) In the case of a local school district, an educational service district, or other subgrantee's refusal to grant a request of a parent (or adult student) for a special education hearing made in conformance with WAC 392-171-531, a written notice registering the complaint must be received by the superintendent of public instruction on or before either the fifteenth day after the date the parent (or adult student) received notice of such entity's refusal to grant a hearing or on or before the fifteenth day after the expiration of the time period for rendering a final decision pursuant to a request for a hearing (i.e., forty-five days after the date of receipt of a request for a hearing), whichever occurs first.

NEW SECTION

WAC 392-168-165 CONTENT OF APPEAL NOTICE. The appeal notice shall set forth:

(1) A statement of the portion(s) of the local school district, educational service district, or other subgrantee's decision which is appealed or, in the case of a failure or refusal to respond, a statement so indicating; and

(2) The relief or remedy requested by the complainant/appellant.

NEW SECTION

WAC 392-168-170 ACTIONS BY SUPERINTENDENT OF PUBLIC INSTRUCTION IN RESPONSE TO NOTICES OF APPEAL AND NOTICES REGISTERING COMPLAINTS. The superintendent of public instruction shall respond in the following manner to appeals and direct complaints:

(1) The superintendent of public instruction shall investigate the allegation(s) contained in a written notice of appeal or a written notice registering the complaint that is deemed to be of substance and make a decision no later than fifteen calendar days after the receipt of a written appeal or no later than sixty calendar days after receipt of a complaint registered directly with the superintendent of public instruction by a citizen. Investigations carried out pursuant to this section may be performed on-site as necessary.

(2) If the investigation reveals that there is merit to the allegation(s), the superintendent of public instruction shall provide for negotiations, or technical advice and assistance, or other remedial action in an attempt to ensure compliance with this chapter and/or state and/or federal laws and regulations: PROVIDED, That any corrective measures deemed necessary shall be instituted no later than ten calendar days following the decision of the superintendent of public instruction.

(3) If compliance by a local school district, educational service district, or other subgrantee is not achieved pursuant to subsection (2) of this section, the superintendent of public instruction shall initiate funding withholding, fund recovery, or any other sanction deemed appropriate.

(4) In the event a complainant, local school district, educational service district, or other subgrantee remains aggrieved with the decision of the superintendent of public instruction, either party may appeal the decision to the secretary, department of education.

NEW SECTION

WAC 392-168-175 COMPLAINTS AGAINST THE SUPERINTENDENT OF PUBLIC INSTRUCTION—DESIGNATION OF RESPONSIBLE EMPLOYEE(S). (1) A complaint alleging a violation by the superintendent of public instruction shall be filed directly with the superintendent of public instruction in the form specified in WAC 392-168-140.

(2) The superintendent of public instruction shall designate at least one office of the agency to monitor and coordinate the agency's compliance with this chapter,

which shall include ensuring that investigation of any complaint is conducted expeditiously and thoroughly.

NEW SECTION

WAC 392-168-180 COMPLAINTS AGAINST THE SUPERINTENDENT OF PUBLIC INSTRUCTION—INVESTIGATION OF AND RESPONSE TO COMPLAINTS. (1) The staff responsible for investigating the alleged violation shall commence investigation within ten days of receipt of the complaint by the superintendent of public instruction.

(2) Investigation by the superintendent of public instruction may include on-site investigations as appropriate.

(3) Upon completion of the investigation, investigating staff shall provide the superintendent of public instruction with a written report on the results of the investigation.

(4) The superintendent of public instruction shall respond in writing to the complainant as expeditiously as possible but in no event later than sixty calendar days after the date of receipt of such complaint by the superintendent of public instruction.

(5) The response shall clearly state either:

(a) That the complaint is without merit, the allegations are denied, and the basis for such denial; or

(b) The reasonable corrective measures deemed necessary to correct any violation: PROVIDED, That any such corrective measures deemed necessary shall be instituted as expeditiously as possible but in no event later than thirty calendar days following the date of the response to the complainant.

NEW SECTION

WAC 392-168-185 WAIVER OF TIMELINES. (1) Timelines established in this chapter may be waived by mutual consent in writing of both complainant and local school district or other subgrantee. Such waiver of timelines shall be communicated within ten days to the appropriate division, superintendent of public instruction, by the entity named in the complaint.

(2) An extension of time limits applicable to actions by the superintendent of public instruction shall be waived by mutual consent of the complainant and the superintendent of public instruction: PROVIDED, That if exceptional circumstances exist with respect to a particular complaint, the superintendent of public instruction may unilaterally extend the timelines for cause upon written notice to the parties.

NEW SECTION

WAC 392-168-190 APPEAL TO THE SECRETARY OF EDUCATION IN COMPLAINTS AGAINST THE SUPERINTENDENT OF PUBLIC INSTRUCTION. In the event that a complainant remains aggrieved with the response of the superintendent of public instruction, the complainant may file an appeal directly with the secretary, Department of Education.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-168-005 AUTHORITY.

WSR 88-09-043

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 18, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the repealing of WAC 392-164-005 through 392-164-095;

that the agency will at 9:00 a.m., Friday, May 27, 1988, in the Old Capitol Building, SPI, Wanamaker Board Room, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28A.02.100.

Dated: April 18, 1988

By: Frank B. Brouillet
Superintendent of
Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-164 WAC.

Rule Section(s): WAC 392-164-005, 392-164-010, 392-164-015, 392-164-020, 392-164-025, 392-164-030, 392-164-035, 392-164-040, 392-164-045, 392-164-050, 392-164-055, 392-164-060, 392-164-065, 392-164-070, 392-164-075, 392-164-080, 392-164-085, 392-164-090 and 392-164-095.

Statutory Authority: RCW 28A.02.100.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: [No information supplied by agency.]

Reasons Which Support the Proposed Action(s): Replaced by chapters 392-164 through 392-174 WAC.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298, Implementation and Enforcement: Charles Marshall, SPI, 3-1880.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency.]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-164-005 INTRODUCTION.

WAC 392-164-010 PURPOSES.
 WAC 392-164-015 DEFINITIONS.
 WAC 392-164-020 ELIGIBILITY REQUIREMENTS.
 WAC 392-164-025 FORMERLY MIGRATORY CHILDREN.
 WAC 392-164-030 BILINGUAL EDUCATION.
 WAC 392-164-035 STUDENT IDENTIFICATION.
 WAC 392-164-040 STUDENT INSURANCE.
 WAC 392-164-045 PROPERTY, FACILITIES, AND EQUIPMENT.
 WAC 392-164-050 PROJECT DESCRIPTIONS.
 WAC 392-164-055 DAY CARE.
 WAC 392-164-060 LOCAL PARENT ADVISORY COUNCILS.
 WAC 392-164-065 LOCAL PARENT ADVISORY COUNCIL APPEAL PROCESS FOR PROJECTS.
 WAC 392-164-070 LOCAL PARENT ADVISORY COUNCIL APPEAL PROCESS FOR PAC.
 WAC 392-164-075 GRIEVANCE PROCEDURE.
 WAC 392-164-080 STATE ADVISORY COMMITTEE.
 WAC 392-164-085 ACCOUNTABILITY.
 WAC 392-164-090 ADMINISTRATIVE COSTS.
 WAC 392-164-095 FISCAL CONSTRAINTS.

WSR 88-09-044

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 88-11—Filed April 18, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to project even start, chapter 392-315 WAC. The adopting order was originally proposed as chapter 392-220 WAC but are adopting as chapter 392-315 WAC.

This action is taken pursuant to Notice No. WSR 88-03-011 filed with the code reviser on January 8, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.130.014(5) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 15, 1988.

By Frank B. Brouillet
 Superintendent of
 Public Instruction

Chapter 392-315 WAC

GRANT PROGRAM—PROJECT EVEN START

WAC

392-315-005 Authority.
 392-315-010 Purpose.
 392-315-015 Public policy goals of project even start.
 392-315-020 Project even start—Definition.
 392-315-025 Child development knowledge—Definition.

392-315-030 Other eligible program components—Definition.
 392-315-035 Eligible grantee—Definition.
 392-315-040 Eligible parents—Definition.
 392-315-045 Basic skills—Definition.
 392-315-050 Standardized test—Definition.
 392-315-055 Transportation—Definition.
 392-315-060 Child care—Definition.
 392-315-065 Directly necessary activities—Definition.
 392-315-070 Indirect expenditures—Definition.
 392-315-075 Assurance of nonsupplanting—Program standard.
 392-315-080 Assurance of cooperation with the department of social and health services regarding public assistance reports—Program standard.
 392-315-085 Assurance to submit annual evaluation report to the superintendent of public instruction.
 392-315-090 Reporting requirements.
 392-315-095 Request for even start project grants to the superintendent of public instruction.
 392-315-100 Assurance of cooperation with state auditor.
 392-315-105 Assurance of service to targeted groups.
 392-315-110 Priority groups.
 392-315-115 Date of receipt of even start project proposals.
 392-315-120 Even start advisory committee.
 392-315-125 Duties of even start advisory committee.
 392-315-130 Priority projects.
 392-315-135 Coordination of programs.
 392-315-140 Evaluation criteria for project even start.
 392-315-145 Performance standards for project even start.
 392-315-150 Administrative expenditures.
 392-315-155 Liability insurance.
 392-315-160 Bonding.
 392-315-165 Maximum grant award per participant.

NEW SECTION

WAC 392-315-005 **AUTHORITY.** The authority for this chapter is RCW 28A.130.014(5) which authorizes the superintendent of public instruction to promulgate rules for the establishment and administration of project even start.

NEW SECTION

WAC 392-315-010 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures for the administration of project even start, including the establishment of eligibility criteria for the award of grants to eligible grantees.

NEW SECTION

WAC 392-315-015 PUBLIC POLICY GOALS OF PROJECT EVEN START. The public policy goals of project even start are to:

- (1) Recognize that parents can be the most effective teachers for their children.
- (2) Provide illiterate or semiliterate parents with opportunities to acquire basic skills and child development knowledge that will enhance their ability to assist and support their children in the learning process.
- (3) Enhance children's learning experiences in the formal education environment by providing children with the motivation and positive home environment which contributes to enhanced academic performance.

NEW SECTION

WAC 392-315-020 PROJECT EVEN START—DEFINITION. As used in this chapter, the term "project even start" means a program primarily designed to provide illiterate or semiliterate parents with basic skills instruction and which may include instruction in child development knowledge and other eligible program components as provided in WAC 392-315-030.

NEW SECTION

WAC 392-315-025 CHILD DEVELOPMENT KNOWLEDGE—DEFINITION. As used in this chapter, the term "child development knowledge" means information about characteristics of child growth, including differences in development, and the role of child-parent interaction in supporting the developmental process.

NEW SECTION

WAC 392-315-030 OTHER ELIGIBLE PROGRAM COMPONENTS—DEFINITION. As used in this chapter, the term "other eligible program components" means one or more of the following:

- (1) Transportation.
- (2) Child care.
- (3) Other activities determined by the superintendent of public instruction to be directly necessary activities to accomplish the purpose of project even start.

NEW SECTION

WAC 392-315-035 ELIGIBLE GRANTEE—DEFINITION. As used in this chapter "eligible grantee" means any public agency or private nonsectarian program or organization.

NEW SECTION

WAC 392-315-040 ELIGIBLE PARENTS—DEFINITION. As used in this chapter, the term "eligible parents" means one or more custodial parents, which may be a biological or foster parent, a guardian, or a person with whom a child resides, and who meets the following two-part test:

- (1) Is illiterate or semiliterate, i.e., has less than an eighth grade ability in one or more basic skill areas: PROVIDED, That in the case of parents whose primary

language is other than English, eighth grade ability shall be determined on the basis of performing basic skill activities in their native language.

(2) Has a child enrolled in one of the following programs:

(a) State early childhood education and assistance program.

(b) Federal head start program.

(c) State or federally funded elementary school—i.e., grades K-8—basic skills program serving students who have scored below the national average of the basic skill areas of reading, language arts, or mathematics.

(d) A cooperative nursery—e.g., preschool or day care—at a community college or vocational technical institute.

(e) A bilingual education/ESL program which includes children who are eligible for programs listed in (a) through (d) of this subsection.

(f) A program that serves children with special needs who are eligible for programs listed in (a) through (d) of this subsection.

NEW SECTION

WAC 392-315-045 BASIC SKILLS—DEFINITION. As used in this chapter, the term basic skills means reading, language arts, and mathematics, including the readiness skills associated with such skills.

NEW SECTION

WAC 392-315-050 STANDARDIZED TEST—DEFINITION. As used in this chapter, the term "standardized test" means one of the following:

(1) Test of adult basic education (TABE).

(2) Adult basic learning examination (ABLE).

(3) Any other recognized test of adult basic skills that has received the prior approval of the superintendent of public instruction.

NEW SECTION

WAC 392-315-055 TRANSPORTATION—DEFINITION. As used in this chapter, the term "transportation" means transport of the eligible parents or children thereof provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to the allowances provided in WAC 392-141-190(2).

NEW SECTION

WAC 392-315-060 CHILD CARE—DEFINITION. As used in this chapter, the term "child care" means adult supervision of children of eligible parents provided directly by the eligible grantee or reimbursed by such eligible grantee pursuant to a written contract either with the provider of the day care or with the eligible parent.

NEW SECTION

WAC 392-315-065 DIRECTLY NECESSARY ACTIVITIES—DEFINITION. As used in this chapter, the term "directly necessary activities" means reasonable services and activities that are needed to remove barriers

that inhibit participation of eligible parents in the even start project.

NEW SECTION

WAC 392-315-070 INDIRECT EXPENDITURES—DEFINITION. As used in this chapter, indirect expenditures means those expenditures for administration of the organization as well as support service, fiscal support, and maintenance of facilities.

NEW SECTION

WAC 392-315-075 ASSURANCE OF NONSUPPORTING—PROGRAM STANDARD. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee provides assurance to the superintendent of public instruction of compliance with RCW 28A.130.014(4)—i.e., "State funds . . . shall be used solely to expand and complement, but not supplant, federal funds for adult literacy programs."

NEW SECTION

WAC 392-315-080 ASSURANCE OF COOPERATION WITH THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REGARDING PUBLIC ASSISTANCE REPORTS—PROGRAM STANDARD. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee agrees to assist eligible parents in any reporting requirement of the department of social and health services related to compliance with RCW 28A.130.014(3)—i.e., "fulfillment of . . . work and training obligation for the receipt of public assistance."

NEW SECTION

WAC 392-315-085 ASSURANCE TO SUBMIT ANNUAL EVALUATION REPORT TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent of the eligible grantee agrees to submit to the superintendent of public instruction on a date established by the superintendent of public instruction an annual evaluation report which shall contain the following:

- (1) Progress made by adult enrolled as evidenced by:
 - (a) Grade equivalent or standardized test scores for basic skills at beginning and end of enrollment in even start programs.
 - (b) Data on length of enrollment and frequency of attendance.
 - (c) Total number of instructional hours actually received in literacy, basic skills, and parenting skills.
- (2) Effect of parents' participation in even start on children of enrollees as evidenced by:
 - (a) Comparative data on parent participation in programs in which children are enrolled.

(b) Comparative data (e.g., teachers' observations) on children's behavior in programs in which they are enrolled.

(3) Summary impressions on the most effective methods and materials for serving specific populations.

(4) Observations regarding the effect of support services on program participation.

(5) Recommendations for program improvements.

(6) Data on demand for even start programs in service area versus number of participants enrolled.

(7) Such additional information as the superintendent of public instruction shall request related to the effectiveness of the funded project even start.

NEW SECTION

WAC 392-315-090 REPORTING REQUIREMENTS. Successful applicants for project even start will be required to report fiscal, program, and client data to the superintendent of public instruction upon request.

At a minimum, applicants are required to ensure that:

(1) Financial systems allow for effective control and accountability for all program funds, property and other assets, including use for authorized purposes only.

(2) Accounting systems will meet and comply with generally accepted accounting principles. Transactions will be supported by source documentation which identifies the source and use of the contract funds.

(3) The agency records management system provides for systematic accumulation; filing; retention of appropriate records; all contract documentation of accountability and an inventory of nonexpendable items. Included are vouchers; receipts; materials and equipment cost; facilities usage; and, general indirect costs.

(4) Program and client data are available at a minimum on a quarterly basis. Monthly attendance records are kept on all participants.

NEW SECTION

WAC 392-315-095 REQUEST FOR EVEN START PROJECT GRANTS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Any eligible grantee may submit a request to the superintendent of public instruction for an even start project grant. Such request must be reviewed and approved by the governing board of the requesting public or private agency and shall include the assurances required by WAC 392-315-075, 392-315-080, and 392-315-085.

NEW SECTION

WAC 392-315-100 ASSURANCE OF COOPERATION WITH STATE AUDITOR. No application for an even start project grant shall be approved by the superintendent of public instruction unless the authorized agent or eligible grantee agrees to provide written assurance that an audit will be permitted if deemed appropriate by the state auditor.

NEW SECTION

WAC 392-315-105 ASSURANCE OF SERVICE TO TARGETED GROUPS. No application for an even

start project grant shall be approved by the superintendent of public instruction unless the authorized agent or eligible grantee agrees to provide written assurance that even start programs will serve one or more of the following groups:

- (1) Single heads of household.
- (2) Parents of early childhood education assistance program (ECEAP) participants.
- (3) Parents of federal head start program participants.
- (4) Public assistance recipients.
- (5) Ethnic minorities.
- (6) Limited English-proficient parents who are below the eighth grade literacy level in their own language.
- (7) Parents of children with special needs.

NEW SECTION

WAC 392-315-110 PRIORITY GROUPS. Programs funded under project even start shall give priority to serving parents with children who have not yet enrolled in kindergarten or are in grades kindergarten through three.

NEW SECTION

WAC 392-315-115 DATE OF RECEIPT OF EVEN START PROJECT PROPOSALS. In order to be considered for possible funding, an even start project proposal must be received in the office of the superintendent of public instruction by 5:00 p.m. of the date set forth in the bulletin of the superintendent of public instruction requesting the submission of even start project proposals.

NEW SECTION

WAC 392-315-120 EVEN START ADVISORY COMMITTEE. An advisory committee composed of at least one representative from each of the following agencies/groups shall make recommendations to the superintendent of public instruction regarding the implementation of project even start and the proposal selection process:

State board for community college education, department of social and health services, department of community development, community-based agencies, adult basic education directors, local literacy councils, parent-education specialists, state university colleges of education, common school districts, education service districts, ethnic minority commissions, and professional organizations devoted to early childhood education, reading instruction, and English as a second language (ESL) instruction, and department of social and health services or common school programs serving children with special needs in grades P-3. A selection committee approved by the advisory committee shall evaluate the proposals submitted under project even start. Members of the selection committee will not be from commissions, agencies, organizations, or schools which have submitted proposals, and must not personally benefit from the outcome of the selection process.

NEW SECTION

WAC 392-315-125 DUTIES OF EVEN START ADVISORY COMMITTEE. The even start advisory committee shall select subcommittees of not more than five members of the committee, or individuals approved by the committee to:

(1) Evaluate requests for proposals and make recommendations for funding to the superintendent of public instruction, including the need for the superintendent of public instruction to negotiate the terms, conditions, or funding of any grant proposal. Members of the selection subcommittee will not be from commissions, agencies, organizations, or schools which have submitted even start proposals and must not personally benefit from the outcome of the selection process.

(2) Make recommendations to the superintendent of public instruction on the administration of project even start, including the need to change any statute or rule affecting project even start.

(3) Develop the bylaws that govern the activities of the advisory committee.

NEW SECTION

WAC 392-315-130 PRIORITY PROJECTS. In accordance with RCW 28A.130.016, "before developing and funding new adult literacy programs to carry out the purposes of project even start," the superintendent of public instruction shall fund the existing adult literacy programs and parent related programs which meet the conditions established in this chapter and are offered by the following agencies:

(1) Common schools, including vocational technical institutes.

(2) Community colleges.

(3) Community-based, nonprofit organizations.

NEW SECTION

WAC 392-315-135 COORDINATION OF PROGRAMS. Even start programs shall coordinate their services with programs that enroll the participants' children. Such coordination is essential for several reasons:

(1) Parent participation opportunities in the children's programs enable parents to become involved in their children's learning and development.

(2) Resources available to children and parents through state funded early childhood education and assistance programs and federally funded head start programs and other programs serving at risk children complement those available to parents through even start.

(3) The support network of parents and instructional personnel offered through the children's programs will complement, extend, and continue the parent education component beyond participants' period of active involvement in the even start program.

NEW SECTION

WAC 392-315-140 EVALUATION CRITERIA FOR PROJECT EVEN START. Proposals for even start funds shall be evaluated according to the following criteria:

(1) The need for literacy, basic skills, and child development instruction for illiterate and semiliterate parents of young children in the geographical area served by the applicant. All proposals must contain data which identify the estimated number of males and females to be served, the estimate of limited English-speaking adults and ethnic minorities to be enrolled, the number of anticipated public assistance recipients to be served, and the anticipated percentage of participants with children enrolled in early childhood education and assistance programs (ECEAP) and head start programs;

(2) The applicant's ability to design a unique program of instruction for parents which integrates instruction in literacy, basic skills, and child development knowledge;

(3) The linkages between the applicant's program and the instructional programs serving the children of the parents being served: Head start programs, early childhood education assistance program (ECEAP), state or federally funded elementary school basic skills programs serving students who have scored below the national average on basic skills tests, and cooperative preschools at community colleges or vocational technical institutes;

(4) The applicant's plan for evaluating the effect of the program on both the parent participants and their preschool or school aged children;

(5) The cost-effectiveness of the program;

(6) The applicant's administrative capability; and

(7) The applicant's solicitation of and access to appropriate community resources.

NEW SECTION

WAC 392-315-145 PERFORMANCE STANDARDS FOR PROJECT EVEN START. Programs proposed under project even start shall:

(1) Reflect instructional methods, staffing patterns, curricula, and utilization of resources which reflect current research in adult learning theory, first and second language literacy acquisition, the role of parents in the child's acquisition of language, and effective parenting skills;

(2) Be sensitive to the social, cultural, and ethnic differences of the participants, and shall respond to those differences in the program design;

(3) Offer adult services at least ten hours per week for a minimum of ten weeks and for at least thirty weeks within a fifty-two week period.

NEW SECTION

WAC 392-315-150 ADMINISTRATIVE EXPENDITURES. Direct administration expenditures and indirect expenditures for programs funded under project even start may not exceed seven percent of the total grant awarded.

NEW SECTION

WAC 392-315-155 LIABILITY INSURANCE. The superintendent of public instruction assumes no liability with respect to bodily injury, illness, accident, theft, or any other damages or losses concerning persons or property, or involving the applicant's equipment or vehicles. Successful applicants who are nonpublic entities

shall have the responsibility of providing adequate insurance coverage to protect against legal liability arising out of activities.

NEW SECTION

WAC 392-315-160 BONDING. Every officer, director, or employee of a nonpublic entity who is authorized to act on behalf of the applicant or any subcontractor for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks, or other instruments of payment for program costs will be bonded to provide protection against loss.

NEW SECTION

WAC 392-315-165 MAXIMUM GRANT AWARD PER PARTICIPANT. Under this chapter the maximum grant award per ten-week period per participant shall not exceed one thousand dollars.

WSR 88-09-045

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 88-12—Filed April 18, 1988]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to local education program enhancement, chapter 392-140 WAC.

This action is taken pursuant to Notice No. WSR 88-06-093 filed with the code reviser on March 2, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to section 506, chapter 7, Laws of 1987 [1st] ex. sess., and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 15, 1988.

By Frank B. Brouillet
Superintendent of
Public Instruction

NEW SECTION

WAC 392-140-160 LOCAL EDUCATION PROGRAM ENHANCEMENT—APPLICABLE PROVISIONS. The provisions of WAC 392-140-160 through 392-140-174 shall be applicable to the distribution of moneys to school districts for the local education program enhancement program pursuant to section 506, chapter 7, Laws of 1987 1st ex. sess.

NEW SECTION

WAC 392-140-161 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—STATEMENT OF ASSURANCES. As used in WAC

392-140-160 through 392-140-174, "statement of assurances" means the form distributed by the superintendent of public instruction on which the school district assures that, as a condition of the receipt of local education program enhancement moneys, it shall comply with the terms specified in WAC 392-140-169.

NEW SECTION

WAC 392-140-162 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—FULL-TIME EQUIVALENT STUDENT. As used in WAC 392-140-160 through 392-140-174, "full-time equivalent student" means the same as that term is defined in WAC 392-121-122.

NEW SECTION

WAC 392-140-163 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—ANNUAL AVERAGE FULL-TIME EQUIVALENT STUDENTS. As used in WAC 392-140-160 through 392-140-174, "annual average full-time equivalent students" means the same as that term is defined in WAC 392-121-133: PROVIDED, That for school districts enrolling:

- (1) Greater than one hundred annual average full-time equivalent students:
 - (a) Annual average full-time equivalent students means annual average full-time equivalent students calculated pursuant to WAC 392-121-133 less the annual average full-time equivalent student enrollment for any small school plants judged to be remote and necessary by the state board of education; plus
 - (b) For small school plants judged to be remote and necessary by the state board of education:
 - (i) For grades Kindergarten through 6, the greater of sixty annual average full-time equivalent students or actual annual average full-time equivalent students; plus
 - (ii) For grades 7 and 8, the greater of twenty annual average full-time equivalent students or actual annual average full-time equivalent students.
- (2) Less than or equal to one hundred annual average full-time equivalent students:
 - (a) Annual average full-time equivalent students means for grades Kindergarten through 6, the greater of sixty annual average full-time equivalent students or actual annual average full-time equivalent students; plus
 - (b) For grades 7 and 8, the greater of twenty annual average full-time equivalent students or actual annual average full-time equivalent students; plus
 - (c) For grades 9 through 12, the greater of sixty annual average full-time equivalent students or actual annual average full-time equivalent students.

NEW SECTION

WAC 392-140-164 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—BIENNIAL FULL-TIME EQUIVALENT STUDENTS. As used in WAC 392-140-160 through 392-140-174, "biennial full-time equivalent students" means the sum of

the school district's annual average full-time equivalent students pursuant to WAC 392-140-163 for school year 1987-88 and school year 1988-89, divided by two.

NEW SECTION

WAC 392-140-165 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—SUPPORT LEVEL. As used in WAC 392-140-160 through 392-140-174, "support level" means:

- (1) For those school districts that apply for local education program enhancement moneys during only school year 1988-89, no less than \$67.50 multiplied by the biennial full-time equivalent students determined pursuant to WAC 392-140-164.
- (2) For those school districts which apply for local education program enhancement moneys in school year 1987-88 and school year 1988-89:
 - (a) For school year 1987-88: \$33.75 multiplied by the annual average full-time equivalent students for school year 1987-88; and
 - (b) For school year 1988-89: No less than \$33.75 multiplied by the annual average full-time equivalent students for school year 1988-89.

NEW SECTION

WAC 392-140-166 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—END OF YEAR REPORT. As used in WAC 392-140-160 through 392-140-174, "end of year report" means the report prepared by the school district, in the format prescribed by the superintendent of public instruction, which details local education program enhancement expenditures.

NEW SECTION

WAC 392-140-167 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—NEEDS ASSESSMENT. As used in WAC 392-140-160 through 392-140-174, "needs assessment" means an assessment which has received approval from the board of directors of the school district, identified by priority, of the educational needs of the school age residents of the school district.

NEW SECTION

WAC 392-140-168 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—ELIGIBLE PROGRAMS. As used in WAC 392-140-160 through 392-140-174, "eligible programs" means all of the following:

- (1) Innovative programs to increase the adult-student ratio without increasing the number of certificated staff.
- (2) Dropout prevention and retrieval programs.
- (3) Drug and alcohol abuse programs.
- (4) Early childhood programs.
- (5) Inservice training programs for staff development.
- (6) Programs that develop and promote logical reasoning and improved analytical skills, including programs for highly capable students.

NEW SECTION

WAC 392-140-169 LOCAL EDUCATION PROGRAM ENHANCEMENT—CONDITIONS FOR RECEIVING MONEYS. Each school district board of directors may apply for an allocation pursuant to this section by submitting, in the format prescribed by the superintendent of public instruction, an annual statement assuring compliance with all of the following:

- (1) Development of a needs assessment of the educational needs of the schools within the school district.
- (2) Establishment of a priority list for addressing the identified educational needs.
- (3) Development of an evaluation methodology to assess specifically how the expenditure of the grant demonstrates a direct educational benefit to the students within the school district.
- (4) Completion of an end of year report of expenditure data relating to local education program enhancement activities in a format prescribed by the superintendent of public instruction.

NEW SECTION

WAC 392-140-170 LOCAL EDUCATION PROGRAM ENHANCEMENT—ALLOWABLE EXPENDITURES. School districts shall use local education program enhancement moneys solely to fund any or all of the eligible program activities defined in WAC 392-140-168.

NEW SECTION

WAC 392-140-171 LOCAL EDUCATION PROGRAM ENHANCEMENT—PAYMENT OF LOCAL EDUCATION PROGRAM ENHANCEMENT FUNDS. From local education program enhancement funds appropriated to the superintendent of public instruction, the superintendent shall make twelve monthly payments during each school year in a manner like basic education allocation funds pursuant to WAC 392-121-400 to each school district operating a program in compliance with WAC 392-140-169.

NEW SECTION

WAC 392-140-172 LOCAL EDUCATION PROGRAM ENHANCEMENT—PRORATION. The support level specified in WAC 392-140-165 shall be subject to the proration provision contained in WAC 392-122-905.

NEW SECTION

WAC 392-140-173 LOCAL EDUCATION PROGRAM ENHANCEMENT—END OF YEAR REPORT. School districts shall prepare an end of year report and submit such report to the superintendent of public instruction by November 1, of each year, in the format prescribed by the superintendent of public instruction. The end of year report shall contain all of the following:

- (1) The amount of local education program enhancement moneys expended.

(2) A written description of the program provided, including purpose(s).

(3) The number of students and/or staff served in one or more of the six eligible program areas specified in WAC 392-140-168.

(4) A description of the evaluation instrument used and the educational benefits derived from the local education program enhancement program.

(5) Such additional information as required by the superintendent of public instruction.

NEW SECTION

WAC 392-140-174 LOCAL EDUCATION PROGRAM ENHANCEMENT—CARRYOVER PROVISION. Local education program enhancement moneys for school year 1987-88 may be expended by the school district in school year 1988-89. Any local education program enhancement moneys allocated for school years 1987-88 and 1988-89 unexpended by the end of school year 1988-89, as reported pursuant to WAC 392-140-173, shall revert to the state treasurer: PROVIDED, That if prior to recovery, insufficient moneys are available to fully fund those programs operating in school year 1988-89, any moneys recovered shall first be allocated to fully fund these programs.

WSR 88-09-046

**NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD**

[Memorandum—April 18, 1988]

The Washington Forest Practices Board has rescheduled the regular quarterly meeting from May 11, 1988, to May 25, 1988, to be held beginning at 2:00 p.m. at the Fairhaven Library Auditorium, 1117 12th Street, Bellingham, Washington.

Additional information may be obtained from the Division of Forest Regulation and Assistance, 1007 South Washington Street, EL-03, Olympia, WA 98504, (206) 753-5315.

WSR 88-09-047

**ADOPTED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Order 88-5—Filed April 18, 1988]

I, Ralph C. Ruff, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA 98504, the annexed rules relating to:

New	WAC 326-20-091	Size standards—Purpose.
New	WAC 326-20-092	Small business concern requirement.
New	WAC 326-20-093	Definitions.
New	WAC 326-20-094	Application of size standard.
New	WAC 326-20-095	Determination of firm size.
New	WAC 326-20-096	STURAA project size standard.
New	WAC 326-20-097	Change in firm size.
New	WAC 326-20-098	Applicability of federal regulations.

Amd	WAC 326-20-171	Denial of certification—Show cause review.
Amd	WAC 326-20-172	Decertification of firms.
Amd	WAC 326-20-180	Effect of certification.
Amd	WAC 326-20-185	Recertification.

This action is taken pursuant to Notice Nos. WSR 88-06-074 and 88-09-010 filed with the code reviser on March 2, 1988, and April 12, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 39.19 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 18, 1988.

By Ralph C. Ruff
Director

NEW SECTION

WAC 326-20-091 SIZE STANDARDS - PURPOSE. The purpose of WAC 326-20-091 through WAC 326-20-098 is to set forth the procedure by which the Office will apply maximum size standards which a firm must not exceed to be eligible for certification. The Office's determination of whether a firm qualifies as a small business concern shall be, whenever possible, consistent with the small business requirements defined under section 3 of the Small Business Act, 15 U.S.C. 632, and its implementing regulations. (Authority: RCW 39.19.030 (7)(b)).

NEW SECTION

WAC 326-20-092 SMALL BUSINESS CONCERN REQUIREMENT. (1) In addition to meeting the ownership and control requirements of chapter 39.19 RCW and these regulations, in order to be entitled to certification under chapter 39.19 RCW, a firm must qualify as a small business concern as defined in WAC 326-20-093.

(2) A firm which exceeds the small business size limits after certification by the office shall be subject to decertification.

Reviser's note: The unnecessary underlining and deletion marks in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 326-20-093 DEFINITIONS. (1) Affiliate:

(a) Except as otherwise noted, size determinations shall include the applicant concern and all its domestic and foreign affiliates. Moreover, all affiliates, regardless of whether organized for profit, must be included.

(b) Except as otherwise provided in this section, concerns are affiliates of each other when either directly or indirectly:

(i) One concern controls or has power to control the other, or;

(ii) A third party or parties controls or has the power to control both, or;

(iii) Such an "identity of interest" between or among parties exists so that affiliation may be presumed.

(c) In determining whether affiliation exists, consideration shall be given to all appropriate factors, including but not limited to common ownership, common management, common facilities, and contractual relationships: Provided, however, That restraints imposed on a franchise by its franchise agreement shall not be considered in determining whether the franchisor controls or has the power to control and, therefore, is affiliated with the franchisee, if the franchisee has the right to profit from his or her effort, commensurate with ownership, and bears the risk of loss or failure.

(2) Annual Receipts. In size determinations where the maximum size is set by reference to "annual receipts," size eligibility requires that the concern may not exceed the "annual receipts" in that standard.

(a) For the purpose of determining annual receipts of a concern, "receipts" is defined to include all revenue in whatever form received or accrued from whatever form received or accrued from whatever source, including from the sales of products or services, interest, dividends, rents, royalties, fees, or commissions, reduced by returns and allowances. However, the term "receipts" excludes proceeds from sales of capital assets and investments, proceeds from transactions between a concern and its domestic and foreign affiliates, proceeds from payments of notes receivable and accounts receivable, and amounts collected as an agent for another, such as gross bookings on which a commission is earned (in which case only the commission earned would constitute revenue) or such as taxes collected for remittance to a taxing authority.

(b) Period of measurement. "Annual receipts" of a concern which has been in business ~~((of))~~ for three or more completed fiscal years means the arithmetic annual average revenue of the concern over its last three completed fiscal years (total revenue compiled over the entire three year period would be divided by three).

(c) "Annual receipts" of a concern which has been in business for less than three fiscal years means the arithmetic annual average revenue over the time period the concern has been in business (total revenues compiled over the period the concern has been in business, divided by the number of weeks, including fractions of a week, the concern has been in business, multiplied by fifty-two).

(d) Method of determining annual receipts. Revenue may be taken from the regular books of account of the concern. If the Office so elects or the firm has not kept regular books of account or the Internal Revenue Service has found such records to be inadequate and has reconstructed income of the concern, then revenue as shown on the Federal Income Tax return of the concern may be used in determining annual receipts along with other information the office deems relevant.

(3) Business concerns or concern. A business concern eligible for certification under this chapter is a business entity, including its affiliates, organized for profit, with a place of business located in the United States and which makes a significant contribution to the United States

economy through payment of taxes and/or use of American products, materials and/or labor. Such business entity must be legitimately owned and controlled by an individual(s) who is (are) citizens of or lawfully admitted permanent resident aliens in the United States, or by another business entity (or entities) eligible for certification under chapter 39.19 RCW.

(4) Number of Employees. In size determinations where the standard is "number of employees" size eligibility requires that the concern may not exceed the number of employees in that standard.

(a) "Number of employees" means that average employment of the concern, including the employees of its domestic and foreign affiliates, based upon employment during each of the pay periods for the preceding completed twelve calendar months.

(b) In computing average employment, part-time and temporary employees are counted as full-time employees for each applicable pay period.

(c) If a concern has not been in business for twelve months, "number of employees" means the average employment of the concern, including its affiliates, during each of the pay periods during which it has been in business.

(5) Small Business Concern. Except as otherwise provided in WAC 326-20-096, for certain federal projects, a small business concern for purposes of eligibility for certification is a business concern which is independently owned and operated, is not dominant in its field of operations, and which does not exceed the size limitations as set forth in the current table of Standard Industrial Classification (SIC) codes and corresponding industry size standards as adopted by the Small Business Administration Federal Regulations, 13 CFR, Part 121((=2 (proposed 121.600))). The number of employees or amount of annual receipts listed as the size standard for each SIC code indicates the maximum allowed for a firm (including its affiliates) to qualify as a small business concern. SIC size standard tables may be obtained at the following locations:

1. Office of Minority and Women's Business Enterprises
406 South Water, MS: FK-11
Olympia, Washington 98504-4611
(206) 753-9693 or SCAN 234-9693
2. METRO - MWBE/Contract Compliance Programs
821 Second Avenue, 6th Floor,
MS: 63
Seattle, Washington 98104
(206) 684-1337
3. Seattle Human Rights Department
105 Fourteenth Avenue
Seattle, Washington 98122
(206) 625-4384

4. King County Minority/Women's Business Program
Room 400, King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 344-2617
5. Port of Seattle - Contract Compliance Department
P.O. Box 1209
Seattle, Washington 98111
(206) 728-3296
6. City of Spokane - Affirmative Action Department
Fourth Floor, Municipal Building
West 808 Spokane Falls Boulevard
Spokane, Washington 99201-3333
(509) 456-4368

Reviser's note: The unnecessary underlining and deletion marks in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

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

NEW SECTION

WAC 326-20-094 APPLICATION OF SIZE STANDARD. (1) The Office will determine which SIC code an applicant firm falls under based on information submitted by the firm. The Office ~~((has))~~ will prepare~~((d))~~ conversion ~~((charts))~~ tables showing the Department of General Administration's commodity code designations listed in the MWBE Directory and the corresponding SIC codes, and the codes developed by the Construction Specifications Institute with the corresponding SIC codes.

(2) If an applicant's business activities encompass two or more SIC codes, the particular size standard to be applied will be based on the primary industry classification of the applicant concern. In determining what is the primary industry in which an applicant, including its affiliates, is engaged, primary consideration shall be given to the distribution of receipts, employees and costs of doing business among differing industry areas in which a concern is operating for the most recently completed fiscal year of the concern. Other factors (e.g., patents, contract awards, assets) may be considered.

(3) In the event a firm plans to expand the areas in which it does business, it must notify the office in writing at least thirty (30) calendar days before the effective date of such expansion.

Reviser's note: The unnecessary underlining and deletion marks in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 326-20-095 DETERMINATION OF FIRM SIZE. (1) At the time of application for certification, and again at each renewal, a firm must demonstrate to the Office that it is a small business concern. The Office, in turn, will verify that each firm qualifies as a small business concern. In verifying the applicant's size, the

Office will review the annual financial statements and other relevant ~~((material regarding the firm's annual receipts and number of employees))~~ information.

(2) The size of the firm, including its affiliates, will be determined as of the time of application for certification, and at the time of each renewal of certification.

Reviser's note: The unnecessary underlining and deletion marks in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 326-20-096 STURAA PROJECT SIZE STANDARD. For purposes of utilization on projects funded by the Federal Highway Administration or under The Surface Transportation and Urban Relocation Assistance Act of 1987, (P.L. 100-17, or STURAA) the maximum size standard set out in STURAA and 49 CFR Part 23 of \$14 million average annual gross receipts over the preceding three fiscal years, shall apply, even if the size standard would otherwise be set by reference to number of employees. The \$14 million figure is a ceiling and firms are still subject to applicable lower limits on business size as established by the Small Business Administration and these regulations.

NEW SECTION

WAC 326-20-097 CHANGE IN FIRM SIZE. (1) In the event a firm that is certified as a small business concern under this chapter exceeds the size limits, ~~((or if the firm wishes to expand the areas in which it plans to do business,))~~ it must notify the Office in writing within thirty (30) calendar days of the event or the effective date of the expansion.

(2) If a firm exceeds size limits while performing a contract, ~~((those portions of the contract performed after exceeding size limits may still be counted toward goal attainment by the state agency or educational institution, but for any subsequent contracts, renewals, extensions or renegotiations the state agency or institution cannot count the participation of the firm toward its goal attainment.))~~ the rules set out at WAC 326-30-100(3) will apply.

Reviser's note: The unnecessary underlining and deletion marks in the above section occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 326-20-098 APPLICABILITY OF FEDERAL REGULATIONS. Whenever issues arise regarding whether a firm qualifies as a small business concern which cannot be resolved by reference to these regulations, federal regulations adopted by the Small Business Administration at 13 CFR 121 shall provide guidance to resolve such issues.

AMENDATORY SECTION (Amending Order 86-2, filed 8/11/86)

WAC 326-20-171 DENIAL OF CERTIFICATION—SHOW CAUSE REVIEW. (1) If the office has

reached the conclusion that an application for certification should be denied, the office shall notify the applicant in writing, by certified mail, of its denial of certification. Within ~~((30))~~ thirty days of receipt of this notification, the applicant must either:

(a) Submit a written request for ~~((a meeting with))~~ show cause review by the director or designee, ((to show cause why the decision to deny is incorrect, (b) present additional written or documentary information to the director, or (c))) containing the information specified in subsection (2) of this section; or

(b) Submit a written request for a contested case hearing, pursuant to WAC 326-08-015.

(2) A request for show cause review must set forth in detail the reasons the applicant believes the office's decision to deny certification is in error and include any additional information and documentation the applicant has to offer.

(3) ~~((When an applicant requests a show cause review, ((by meeting or by providing additional written documentation within 30 days of receipt of the denial letter,)) the finality of the denial for appeal purposes is stayed until the show cause review is complete.~~

~~((3))~~ (4) Upon receipt of a timely request for ~~((the opportunity to submit additional information at a show cause meeting, the office may schedule such a meeting. Subsequent to the meeting,))~~ a show cause review the office ((shall)) will review any additional information provided ((at the meeting)) by the applicant, and may conduct further investigation, and/or schedule a meeting with the applicant.

(5) The office will notify the applicant by certified mail of its decision either to affirm the denial or to grant certification. This notification is considered final for purposes of WAC 326-08-015.

~~((4))~~ Upon timely receipt of additional written or documentary information by the applicant, the office shall review such additional information and may conduct further investigation. The office will then notify the applicant by certified mail of its decision either to affirm the denial or to grant certification. This denial letter is considered final for purposes of WAC 326-08-015.

(5) Supporting documentation which existed prior to the reconsideration period, but which is presented to ~~OMWBE~~ subsequent to the reconsideration period, will not be accepted by ~~OMWBE~~. If the applicant desires such documentation to be considered for purposes of the application in question, then the applicant must request a contested case hearing pursuant to ~~WAC 326-08-015.~~

(6) If a change in business circumstances occurs after the reconsideration period, then the applicant must submit a new application pursuant to WAC 326-20-220, and is not entitled to appeal the denial of the application in question on the basis of the change in business circumstances.

(7) "Reconsideration period," for purposes of this section, shall mean the ~~((30))~~ thirty days after receipt of the denial letter, described in subsection (1) ~~((above, or the period between receipt of the denial letter and the show cause meeting, if requested pursuant to subsection~~

~~(1) above,~~) of this section plus any additional time authorized by the director in writing.

AMENDATORY SECTION (Amending Order 86-2, filed 8/11/86)

WAC 326-20-172 ~~((REVOICATION))~~ DECERTIFICATION OF ((CERTIFICATION)) FIRMS. (1) When the office has determined that a certified MWBE no longer meets the certification criteria ((and/or the certified MWBE fails to return the renewal of certification application forms)) or the certified MWBE fails to supply additional information requested by the office in a timely manner, the office will notify the ((applicant)) firm in writing of its intent to ((revoke certification)) decertify the firm.

(2) When a certified MWBE notifies the office that it is no longer in business, has sold the business, or no longer wishes to remain certified, or when the certified MWBE fails or refuses to return the renewal of certification form, the office will notify the firm in writing of its decertification. This notification is final for purposes of appeal, WAC 326-08-015.

(3) Upon receipt of an "intent to ((revoke certification)) decertify" letter, the MWBE ((may request a)) must either:

(a) Submit a written request for a show cause review by the director which meets the criteria set out in (c) of this subsection; or

(b) Submit a written request for a contested case hearing pursuant to WAC 326-08-018.

(c) The request ((must be in writing and)) for show cause review must be received by the office within thirty calendar days of receipt of the notice of intent to ((revoke certification)) decertify the firm. The MWBE's request for a show cause review must set forth the reasons the MWBE believes the office's decision to ((revoke certification)) decertify is in error and must include any additional information and documentation the business has to offer.

~~((3))~~ (4) If the office has not received a request for a show cause review nor any additional written documentation within thirty days of receipt of the "intent to decertify" letter, the decision to decertify becomes final, with no further rights to contest or appeal the decision.

(5) Upon receipt of the request for a show cause review, the office ((shall)) will review the request and any additional information provided and may conduct further investigation and/or request that the MWBE attend a show cause meeting with the director. The office will thereafter notify the MWBE by certified mail of its decision to either affirm or reverse its intent to ((revoke certification)) decertify the firm. This ((revocation)) decertification decision is considered final for purposes of WAC 326-08-015.

~~((4))~~ (6) If a show cause review is requested and the ((revocation of certification)) decision to decertify is affirmed, any aggrieved party may request a contested case hearing pursuant to WAC 326-08-015. The request must be made in writing and must be made within thirty days of receipt of the office's decision affirming the ((revocation of certification)) decertification decision.

~~((5) If the office has not received a request for a show cause review nor any additional written documentation within thirty days of receipt of the "intent to revoke" letter, the office will notify the MWBE by certified mail of its decision to affirm its previous intent to revoke certification. This revocation decision is considered final for purposes of WAC 326-08-015.~~

~~(6) A)~~ (7) If the decision to decertify is appealed, the business shall remain certified until:

(a) The time provided by WAC 326-08-015 for appeal of the decision to ((revoke)) decertify has expired without action by the MWBE((,of)); or

(b) The entry of a final ((revocation)) decertification order issued by the director pursuant to WAC 326-08-130.

((Revocation)) Decertification shall be effective immediately upon the occurrence of (a) or (b) ((above)) of this subsection, and will not be stayed pending review by any court.

AMENDATORY SECTION (Amending Order 84-5, filed 4/5/84)

WAC 326-20-180 EFFECT OF CERTIFICATION. Certification as a MWBE shall have the following effects:

(1) Certification as a MWBE ((for the state program)) shall entitle ((the MWBE to be counted by)) state agencies ((and)), educational institutions, and local government jurisdictions to utilize the MWBE toward meeting their MWBE goals under this chapter or local legislation. Certification as a MWBE for a federal program shall entitle ((the MWBE to be counted by)) state agencies ((and)), educational institutions, and local government jurisdictions to utilize the MWBE toward meeting the MWBE goals under those programs. Certification shall be effective as of the date the decision is made in writing.

(2) ((Certification)) A firm may be ((revoked)) decertified at any time the office determines that the MWBE does not meet the current criteria for eligibility for certification. The MWBE shall notify the office in writing within thirty calendar days of any changes in its size, ownership, control, or operations which may affect its continued eligibility as a MWBE. The duty of a business to cooperate with OMWBE investigation and the consent of a business to on-site investigation by OMWBE created in WAC 326-20-140 and 326-20-150 shall continue after a business is certified by OMWBE.

~~((3) Certification is effective for one year. The office may require of all applicants and/or of selected applicants periodic notarized statements regarding changes in the information provided during the initial certification process. The office will renew the certification annually as long as the applicant continues to meet the eligibility criteria.~~

~~(4) Certification as a MWBE does not constitute compliance with any other laws or regulations, including contractor registration or prequalification, and does not relieve any firm of its obligations under other laws or~~

~~regulations. Certification as a MWBE does not constitute any determination by the office that the firm is responsible or capable of performing any work.))~~

AMENDATORY SECTION (Amending Order 85-2, filed 3/8/85)

~~WAC 326-20-185 ((RENEWAL OF CERTIFICATION)) RECERTIFICATION. (1) Certification is effective for two years. The office will require of all certified firms and/or of selected certified firms annual notarized statements regarding changes in the information provided during the initial certification process. The office will generally renew the certification as long as the firm continues to meet the eligibility criteria, and there have been no determinations that the firm has violated chapter 39.19 RCW or this chapter. Debarment of a firm from contracting with one or more state or federal agencies or local government jurisdictions may be grounds for nonrenewal of certification.~~

~~(2) Each certified firm must submit a statement of present status prior to ((renewal)) expiration of its two-year certification. The statement form will be provided to the certified business ((60)) sixty days before expiration of its certification. Failure to return the completed form within ((30)) thirty days may lead to decertification.~~

~~(3) Certification as a MWBE does not constitute compliance with any other laws or regulations, including contractor registration or prequalification, and does not relieve any firm of its obligations under other laws or regulations. Certification as a MWBE does not constitute any determination by the office that the firm is responsible or capable of performing any work.~~

WSR 88-09-048
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Occupational Therapy Practice)
 [Filed April 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Occupational Therapy Practice intends to adopt, amend, or repeal rules concerning persons exempt from licensure pursuant to RCW 18.59.040(5), amending WAC 308-171-103.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 24, 1988.

The authority under which these rules are proposed is RCW 18.59.130.

The specific statute these rules are intended to implement is RCW 18.59.040(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to

written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Terry West, Assistant Executive Secretary
 Department of Licensing
 Division of Professional Licensing
 P.O. Box 9012
 Olympia, WA 98504

Dated: April 18, 1988
 By: Joyce R. Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
 WAC 308-171-103 Persons exempt from licensure pursuant to RCW 18.59.040(5).

Statutory Authority and Specific Statute(s) that Rule(s) are Intended to Implement: WAC 308-171-103 is proposed under RCW 18.59.130 and is intended to implement RCW 18.59.040(5).

Summary of the Rule and Reasons Supporting the Proposed Rule: WAC 308-171-103 is housekeeping in nature.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Terry West, Assistant Executive Secretary, Division of Professional Licensing, P.O. Box 9012, Olympia, WA 98504, (206) 586-1931 comm, 321-1931 scan.

Name of the Person or Organization that is Proposing the Rules: Board of Occupational Therapy Practice.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that these rules would have on occupational therapists and occupational therapy assistants. The board finds that a small business impact statement is not required. Occupational therapists and occupational therapy assistants are classed in SIC Code 804, Offices of Other Health Care Practitioners. As such, they account for less than 10 percent of the health practitioners in this area. Also, they are less than 20 percent of all industries. Finally, any impact that these proposed rules may have is intended to fall equally on all occupational therapists and occupational therapy assistants.

AMENDATORY SECTION (Amending Order PM 610, filed 8/19/86)

WAC 308-171-103 PERSONS EXEMPT FROM LICENSURE PURSUANT TO RCW 18.59.040(5). (1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual

claiming the exemption shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); or

(b) If the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to having passed the American Occupational Therapy Association certification examination and having engaged in occupational therapy practice; not having engaged in unprofessional conduct or gross incompetency as established in WAC 308-171-300 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986; and not having been convicted of a crime (~~(of) [involving]~~) involving moral turpitude or a felony relating to the profession of occupational therapy; and

(c) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) "Working days" in RCW 18.59.040(5) shall mean days state offices are open to conduct business.

WSR 88-09-049
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning establishment of an interim financial assistance program for FY 1987-89 to provide grants to local government from the local toxics control account, under the Hazardous Waste Cleanup Act, chapter 70.105B RCW.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

The authority under which these rules are proposed is RCW 70.105B.220(4).

The specific statute these rules are intended to implement is RCW 70.105B.220(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

Address comments to: Laurel Heifetz, Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.

Dated: April 19, 1988

By: Phillip C. Johnson
 Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 173-309 WAC, Interim financial assistance program.

Description of Purpose: To provide grant assistance for; and remedial action at landfills, solid and hazardous waste planning and programs, and solid waste disposal and management facility construction.

Statutory Authority: RCW 70.105B.220.

Summary of Rule: The purpose of this rule is to establish an interim financial assistance program for FY 87-89 to provide grants to local governments using funds apportioned from the local toxics control account

of the Hazardous Waste Cleanup Act. Grants will be made for the following purposes: Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste; hazardous waste plans and programs conducted under chapter 70.105 RCW; solid waste plans and programs conducted under RCW 70.95.130 and 70.95.220; and solid waste disposal and management facilities (includes recycling facilities grants and ground water monitoring grants).

Reasons Supporting Proposed Action: Requirement of Hazardous Waste Cleanup Act, RCW 70.105B.220.

Agency Personnel Responsible for Drafting: Dru Butler, Mailstop PV-11, Olympia, WA 98504, (206) 459-6729; Implementation and Enforcement: Dan Swenson, Mailstop PV-11, Olympia, WA 98504, (206) 438-3026.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

**Summary Statement For Proposed Chapter 173-309
 WAC**

The Department of Ecology proposes an interim financial assistance program to distribute funds allocated from the local toxic control account of the Hazardous Waste Cleanup Act for FY 87-89. Consistent with chapter 70.105B RCW, financial assistance is provided to mitigate the financial burden placed upon rate payers due to the high costs of cleanups, as well as for solid and hazardous waste management. This chapter recognizes the importance of strong preventative solid and hazardous waste programs to alleviate future contamination, and is designed to assist local governments in carrying out these vital functions.

The interim financial assistance program will provide financial assistance to local governments in the form of grants. This interim program will be in effect from October 16, 1987, (the date of [chapter] 70.105B [RCW] enactment) through June 30, 1989. The department will adopt a final financial assistance program and related rules by July 1, 1989. The final program will assess and may include the use of a loan program.

The Hazardous Waste Cleanup Act identified four project categories for funding in order of descending priority: Remedial actions at public and private landfills; hazardous waste plans and programs; solid waste plans and programs; and solid waste disposal and management facilities.

The apportionment of funds between these categories for the interim program was based upon local government need and readiness to proceed (see Table 1, shown below). The department has tried to promote the solid and hazardous waste management priorities by providing funds for recycling facilities, and hazardous waste collection and disposal days.

TABLE I

HAZARDOUS WASTE CLEANUP ACT
LOCAL TOXICS CONTROL ACCOUNT
FY 87-89 INTERIM FINANCIAL ASSISTANCE PROGRAM

REMEDIAL ACTIONS AT PUBLIC AND PRIVATE LANDFILLS	<u>\$ 9,000,000</u>
◦ 50% Grants – Remedial Investigations, Feasibility Studies, Remedial Design and Monitoring	
◦ 25% Grants – Remedial Action at Landfill Sites	
HAZARDOUS WASTE PLANS AND PROGRAMS	<u>\$ 2,300,000</u>
◦ 75% Grants – Local Hazardous Waste Plans	1,500,000
◦ 50% Grants – Hazardous Waste Pilot Projects	500,000
◦ 50% Grants – Hazardous Household/Moderate Risk Waste Collection and Disposal Projects	250,000
◦ 100% Grants – Citizen-Proponent Negotiation Assistance	50,000
SOLID WASTE PLANS AND PROGRAMS	<u>\$ 1,500,000</u>
◦ 50% Solid Waste Planning Grants (Enforcement grants to local health departments are a separate line item appropriation, enabled within this priority. 75% Grants – \$800,000.)	
SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES	<u>\$ 3,200,000</u>
◦ 75% Grants – Recycling Facilities	2,200,000
◦ 50% Grants – Ground Water Monitoring	1,000,000
TOTAL	\$16,000,000

Economic Impact Statement
For Proposed Chapter 173-309 WAC

This proposed regulation has been reviewed to determine its impact upon the economy of the state Washington, as required by chapter 43.21H RCW (the State Economic Policy Act). Conclusions of this review are: This regulation is being proposed for adoption in order to make funds available to local governments for remedial actions at landfills, hazardous and solid waste plans and programs, and solid waste disposal and management facilities. These funds are made available through the local toxic control account of the Hazardous Waste Cleanup Act (chapter 70.105B RCW). The language in the proposed regulation does not exceed the intent of the legislature; the actions proposed by this regulation apply only to local government. Private business does not appear to suffer any adverse impact; and those local governments able to comply with the provisions of this regulation will be eligible for financial assistance.

The proposed regulation does not impose any adverse effects upon the economy of the state of Washington.

Small Business Economic Impact Statement
For Proposed Chapter 173-309 WAC

The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the business in any one industry be reviewed and altered to minimize their impact upon small businesses. The regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are summarized below.

This regulation is proposed for adoption in order to make funds available to local governments to conduct remedial action at landfills, to prepare hazardous waste plans and programs, and solid waste plans and programs, and to construct solid waste disposal and management facilities. These funds were provided from the

local toxics control account of the Hazardous Waste Cleanup Act.

It is our determination that the proposed regulations, which establish procedures for providing grants to local government, do not impose a direct impact on small businesses. There is the possibility that a positive indirect impact might be shared among firms/companies through contracting with public entities.

It appears that the Regulatory Fairness Act does not apply in this case.

SEPA Compliance: It is determined that the writing and adoption of rules for the interim financial assistance program of the local toxics control account WAC 197-11-800 (16) and (20) is exempt under SEPA.

Chapter 173-309 WAC
HAZARDOUS WASTE CLEANUP ACT
LOCAL TOXICS CONTROL ACCOUNT

Interim Financial Assistance Program

WAC	
173-309-010	Purpose and authority.
173-309-020	Definitions.
173-309-030	Relation to other legislation and administrative rules.
173-309-040	General.
173-309-050	Remedial action grants.
173-309-060	Hazardous waste planning and program grants.
173-309-070	Solid waste planning and program grants.
173-309-080	Solid waste disposal and management facilities— Recycling facility grants.
173-309-090	Solid waste disposal and management facilities— Ground water monitoring grants.

NEW SECTION

WAC 173-309-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to RCW 70.105B.220(4). The department shall provide grants to local government for:

- (1) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste;
- (2) Hazardous waste plans and programs under chapter 70.105 RCW;
- (3) Solid waste plans and programs under RCW 70.95.130 and 70.95.220; and
- (4) Solid waste disposal and management facilities (includes recycling facilities grants and ground water monitoring grants).

This chapter recognizes the burden placed upon ratepayers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with chapter 70.105B RCW, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95, 70.105, and 70.105B RCW.

The interim financial assistance program will provide financial assistance to local governments in the form of grants. This interim program will be in effect October 16, 1987, through June 30, 1989 (from the date of enactment of chapter 70.105B RCW). The department will adopt a final financial assistance program and related rules by July 1, 1989. The final program may include the use of a loan program.

The authority to provide financial assistance to local government is granted under chapter 70.105B RCW.

NEW SECTION

WAC 173-309-020 DEFINITIONS. (1) "Collection days" means events such as, but not limited to, one-day projects in which moderate risk wastes are collected at centralized location(s) for subsequent packaging and transport to a permitted treatment storage or disposal facility.

(2) "Department" means the Washington state department of ecology.

(3) "Existing facility" means an owned or leased landfill in operation, or for which construction has begun, on or before the effective date of chapter 173-304 WAC for which the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss. Physical construction of the facility is to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of chapter 173-304 WAC shall be considered existing facilities.

(4) "Hazard ranking system" means the system for ranking and prioritizing hazardous waste sites to be adopted by the department pursuant to chapter 70.105B RCW.

(5) "Hazardous waste planning and program grants" means grants to assist local governments in activities required by RCW 70.105.220, 70.105.225, 70.105.235 (1)(a), (b), and (c), and 70.105.260, including, but not limited to, collection and disposal of household hazardous waste.

(6) "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas).

(7) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

(8) "Minimum functional standards" means to provide a state-wide consistency and expectation as to the level at which solid waste is managed throughout the state.

(9) "Moderate-risk waste" means:

(a) Any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation; and

(b) Any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(10) "Pilot project" means a moderate-risk hazardous waste management feasibility study developed to provide detailed information for alternative moderate-risk waste management techniques or options.

(11) "Remedial action" means any action or expenditure, consistent with the purposes of chapter 70.105B RCW, to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(12) "Remedial action grants" means grants issued pursuant to this chapter for the purpose of carrying out remedial actions at public or private facilities used primarily for the disposal of municipal solid waste.

(13) "Settlement agreement" means any consent decree entered into pursuant to RCW 70.105B.080 or any consent order or decree with the department in effect October 16, 1987.

(14) "Solid waste disposal or management facility" means (for the purpose of this chapter only) any facility or system owned or operated by local governments for the purpose of controlling, collecting, storing, disposing, recycling, or recovery of solid wastes, including any equipment, structures, or property incidental to such purposes. This term shall not include the acquisition of equipment to collect residential or commercial garbage.

(15) "Solid waste planning and program grants" means grants to assist local governments in activities required under RCW 70.95.130 and 70.95.220.

NEW SECTION

WAC 173-309-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES. (1) Nothing in this chapter shall

influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) The remedial grants shall be used to supplement local government funding to carry out required remedial actions.

(3) Hazardous waste planning and program grants shall be awarded to local government to implement RCW 70.105.220, 70.105.235 (1)(a) and (b), 70.105.235(3), and 70.105B.220 (4)(b). Each local government must complete and submit a hazardous waste plan to the department for approval or disapproval by June 30, 1990, pursuant to RCW 70.105.220(7). Revisions of existing plans must meet local hazardous waste planning guidelines.

(4) Solid waste planning and program grants shall be awarded to implement RCW 70.95.010, 70.95.080, 70.95.090, 70.95.130, 70.95.140, 70.95.150, 70.105B.220 (4)(c), WAC 173-304-130 and 173-304-490. Each solid waste plan must be revised by June 7, 1989, pursuant to RCW 70.95.110 as outlined in the department's Solid Waste Planning Guidelines, May 1986 and subsequent addenda.

(5) Recycling facility grants shall be awarded to only those projects fulfilling chapter 173-304 WAC and the state "Grant Guidelines for Solid Waste Disposal and Management" or any revisions thereto.

(6) Ground water monitoring grants shall be awarded to implement WAC 173-304-490. Ground water monitoring grants are to meet state "Grant Guidelines for Solid Waste Disposal and Management," or any revisions thereto.

(7) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-309-040 GENERAL. (1) Apportionment of funds.

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following funding categories as follows:

(a) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste	\$9,000,000
(b) Hazardous waste plans and programs	2,300,000
(c) Solid waste plans and programs	1,500,000
(d) Solid waste disposal and management facilities	3,200,000

To be dispersed as follows:

(i) Recycling facility grants	2,200,000
(ii) Ground water monitoring grants	1,000,000

(2) Reallocation of funds. At one hundred twenty days prior to the end of the biennium an internal review of the four major funding categories will be conducted by the department. If findings conclude that funds cannot be obligated before the end of the biennium, funds may be reallocated to other funding categories for obligation.

(3) Grant application process. Grant application deadlines and schedules will be announced for each of the funding priority grant programs.

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties.

When applications are received by the department, they will be reviewed and scored by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive.

After an application is scored and an award letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern.

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department.

A grant award is made when a grant contract offer has been signed by both the applicant and the department. The grant contract becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs incurred prior to that date are grant eligible unless specific provision is made in the grant contract for such costs.

(4) Appropriation and allotment of funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering

performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.

(5) Administrative practices. All grants under this chapter shall be consistent with the provisions of "Financial Guidelines for Grants Management," WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

NEW SECTION

WAC 173-309-050 REMEDIAL ACTION GRANTS. (1) Applicant eligibility. The applicant for a remedial action grant shall have entered into a settlement agreement requiring the applicant to undertake remedial action at a facility used primarily for the disposal of municipal solid waste; or shall have been issued an enforcement order under RCW 70.105B.120. Such a facility shall be deemed, for the purpose of this chapter, to be on the hazard ranking list pending issuance of such a list.

Remedial action grants shall be awarded only to a party to a signed settlement agreement or an enforcement order issued under RCW 70.105B.120.

(2) Eligible project costs.

(a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste.

(b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:

(i) Remedial investigations to define the extent and source of contamination;

(ii) Feasibility studies to develop and evaluate cleanup options;

(iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;

(iv) Monitoring;

(v) Methane control;

(vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;

(vii) Run-on/run-off water control systems;

(viii) Final cover;

(ix) Ground water treatment and control;

(x) In situ treatment technology;

(xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;

(xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;

(xiii) Other remedial action activities as determined by the department on a case-by-case basis.

(3) Retroactive funding. Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987.

(4) Matching requirements. Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs.

(5) Priority for allocation of grant funds. In evaluating applicants for remedial grants the department may consider the listing of the applicant on the hazard ranking list to be prepared by the department, pursuant to RCW 70.105B.030(3) or the ranking of the applicant on the hazard ranking system to be adopted by the department pursuant to RCW 70.105B.070(2).

NEW SECTION

WAC 173-309-060 HAZARDOUS WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility.

(a) Hazardous waste planning grants. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16).

(b) Pilot projects. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16).

(c) Collection days. The applicant must be a local government.

(2) Eligible project costs.

(a)(i) Hazardous waste planning grants.

Eligible costs include direct costs for activities and tasks necessary for developing or updating local hazardous waste management plans, if they are consistent with the department's "Planning Guidelines for Local Hazardous Waste Plans," July 1987, WDOE 87-18.

In-depth planning studies to provide detailed analysis of specific plan elements may be undertaken as a part of an overall planning grant, or separately if it can be demonstrated that the planning requirements are otherwise being met.

(ii) Retroactive funding. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local hazardous waste plans and are in conformance with "Planning Guidelines for Local Hazardous Waste Plans," July 1987, WDOE 87-18 and subsequent addenda.

(b) Collection days. Eligible costs include direct costs for all activities and tasks required to plan and carry out hazardous waste collection days for household and/or small quantity generator hazardous waste.

(c) Pilot projects. Eligible costs include direct costs for all activities and tasks for projects that examine the technical, economic, and/or social feasibility of alternative moderate-risk waste reduction, recycling, or handling methods.

(3) Matching requirements.

(a) Planning grants. Grants will be made for up to seventy-five percent of the total eligible project cost. The local matching requirement of twenty-five percent of the total eligible project cost shall be waived on any planning grants under which hazardous waste plans are completed and submitted to the department pursuant to RCW 70.105.220(1) by June 30, 1988. In such cases, grant contracts will be written to include a twenty-five percent local share, but will specify that the local share will be reimbursed if plans are completed by June 30, 1988.

(b) Collection days. Grants will be made for up to fifty percent of the total eligible project cost, or fifteen thousand dollars per grant, whichever is the lesser amount.

(c) Pilot projects. Grants will be made for up to fifty percent of the total eligible project cost, or fifty thousand dollars per project, whichever is the lesser amount.

(4) Priority for allocation of grant funds.

(a) Planning grants. It is the department's intent that grants be awarded for all local hazardous waste plan development state-wide. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

(b) Collection days. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

The maximum amount for which any one local government can apply, prior to January 1, 1989, is fifteen thousand dollars. No local governments can apply for a second collection day project until January 1, 1989. If the department has not obligated all funds allocated for collection days at that time, the unobligated funds may be used to fund repeat activities.

(c) Pilot projects. Grant applications will be ranked according to the following criteria:

(i) Adequacy of and integration with local hazardous waste plans. The local government must be in the process of developing or have completed a local hazardous waste plan. The pilot project must be identified as a part of the local hazardous waste plan.

(ii) Promotion of hazardous waste priorities. A pilot project must address one or more of the following: Hazardous waste reduction, recycling, or the methods of handling.

(iii) Environmental and public health protection. Special consideration will be given to local governments which have a special need to protect a sensitive resource or existing public health problem.

(iv) Generation of information. The project must result in information useful to the solution of moderate-risk use waste problems.

NEW SECTION

WAC 173-309-070 SOLID WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility. Eligible local governments under this section are counties and cities pursuant to RCW 70.95.130.

(2) Eligible project costs.

(a) General. Costs for developing or updating local solid waste management plans are grant eligible if:

(i) They are necessary to conduct the project;

(ii) They are consistent with department's solid waste-planning guidelines and subsequent addenda.

(b) Retroactive. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local solid waste plans and are in conformance with the state "Solid Waste Planning Guidelines," May 1986, WDOE 86-4 and subsequent addenda.

(3) Matching requirements. Grants will be made for up to fifty percent of the total eligible project cost.

(4) Allocation of grant funds. It is the department's intent that grants be awarded for developing or updating local solid waste management plans state-wide. Subject to the limits of available funds, those applications that meet eligibility requirements will be approved for funding on a first-come first-served basis.

NEW SECTION

WAC 173-309-080 SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES—RECYCLING FACILITY GRANTS.

(1) Applicant eligibility. Recycling facilities are eligible provided that:

(a) It is demonstrated that the proposed recycling activity or service is not reasonably available to persons within the locale from private enterprise; and

(b) It is demonstrated that the recycling project is economically feasible and suitable for successful implementation.

(2) Eligible project costs.

(a) General. Costs are grant eligible if:

(i) They are necessary to conduct the project;

(ii) They are consistent with the department's "Grant Guidelines for Solid Waste Disposal and Management," May 1988.

(b) Recycling facility. Eligible costs include direct costs for yard and garden waste composting facilities, and other recycling facilities. These costs include:

(i) Planning and feasibility studies, environmental impact statements, and permitting costs;

(ii) Preparation of design documents;

(iii) Facility construction;

(iv) Purchase of specialized equipment.

(3) Matching requirements. Grants will be made for up to seventy-five percent of the total eligible project cost.

(4) Priority for allocation of grants. Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The project ranking criteria are as follows:

(a) The extent to which the project will demonstrate effective solid waste reduction and recycling methods.

(b) How the project integrates into the current and planned solid waste management system.

(c) How the project will contribute to the solution of an existing solid waste problem.

(d) The probable technical success of the project.

(e) Demonstration that the project scope is compatible with the cost and needs of the project.

(f) Other special situations that exist in the project.

(g) How the project will be operated and maintained.

NEW SECTION

WAC 173-309-090 SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES—GROUND WATER MONITORING GRANTS. (1) Applicant eligibility. The ground water monitoring project must be addressed with a facility maintenance and operation plan, as required by chapter 173-304 WAC.

(2) Eligible project costs.

(a) General. Costs are grant eligible if:

(i) They are necessary to conduct the project;

(ii) They are consistent with department's "Grant Guidelines for Solid Waste Disposal and Management," May 1988.

(b) Ground water monitoring. Eligible costs include direct costs incurred by grantees that are owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform ground water monitoring pursuant to WAC 173-304-400. Direct costs involved in design and installation of ground water monitoring wells at existing facilities as defined by WAC 173-304-100 (27)(a) and (b), will be eligible for funding.

(3) Matching requirements. Grants will be made for up to fifty percent of the total eligible project costs, not to exceed a maximum of fifty thousand dollars per local government.

(4) Priority for allocation of grants. Grant application will be ranked according to how each application meets the criteria set forth below. Grants will be awarded within the limits of available funds to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The ranking criteria are as follows:

(a) Ability to pay.

(b) How, or if, the project will contribute directly to the solution of an existing environmental or public health problem.

WSR 88-09-050**EMERGENCY RULES****DEPARTMENT OF ECOLOGY**

[Order 88-60—Filed April 19, 1988]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishment of an interim financial assistance program for FY 1987-89 to provide grants to local government from the local toxics control account, under the Hazardous Waste Cleanup Act, chapter 70.105B RCW.

I, Phillip C. Johnson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the legislature has found that financial assistance to local governments is necessary to promote cleanup of municipal landfills and prevent future risks of releases of hazardous substances. Immediate financial assistance is required to address contamination at such landfills, including sites in King, Pierce and Spokane counties, promote fairness to ratepayers, as well as achieve the goals and purposes established by RCW 70.105B.220(4).

Address comments to: Laurel Heifetz, Department of Ecology, Mailstop PV-11, Olympia, WA 98504-8711.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 70.105B.220(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 19, 1988.

By Phillip C. Johnson
Deputy Director

Chapter 173-309 WAC
HAZARDOUS WASTE CLEANUP ACT
LOCAL TOXICS CONTROL ACCOUNT

Interim Financial Assistance Program

WAC

- 173-309-010 Purpose and authority.
173-309-020 Definitions.
173-309-030 Relation to other legislation and administrative rules.
173-309-040 General.
173-309-050 Remedial action grants.
173-309-060 Hazardous waste planning and program grants.
173-309-070 Solid waste planning and program grants.
173-309-080 Solid waste disposal and management facilities—Recycling facility grants.
173-309-090 Solid waste disposal and management facilities—Ground water monitoring grants.

NEW SECTION

WAC 173-309-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to RCW 70.105B.220(4). The department shall provide grants to local government for:

- (1) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste;
- (2) Hazardous waste plans and programs under chapter 70.105 RCW;
- (3) Solid waste plans and programs under RCW 70.95.130 and 70.95.220; and
- (4) Solid waste disposal and management facilities (includes recycling facilities grants and ground water monitoring grants).

This chapter recognizes the burden placed upon rate-payers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with chapter 70.105B RCW, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95, 70.105, and 70.105B RCW.

The interim financial assistance program will provide financial assistance to local governments in the form of grants. This interim program will be in effect October 16, 1987, through June 30, 1989 (from the date of enactment of chapter 70.105B RCW). The department will adopt a final financial assistance program and related rules by July 1, 1989. The final program may include the use of a loan program.

The authority to provide financial assistance to local government is granted under chapter 70.105B RCW.

NEW SECTION

WAC 173-309-020 DEFINITIONS. (1) "Collection days" means events such as, but not limited to, one-day projects in which moderate risk wastes are collected at centralized location(s) for subsequent packaging and transport to a permitted treatment storage or disposal facility.

(2) "Department" means the Washington state department of ecology.

(3) "Existing facility" means an owned or leased landfill in operation, or for which construction has begun, on or before the effective date of chapter 173-304 WAC for which the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss. Physical construction of the facility is to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of chapter 173-304 WAC shall be considered existing facilities.

(4) "Hazard ranking system" means the system for ranking and prioritizing hazardous waste sites to be adopted by the department pursuant to chapter 70.105B RCW.

(5) "Hazardous waste planning and program grants" means grants to assist local governments in activities required by RCW 70.105.220, 70.105.225, 70.105.235 (1)(a), (b), and (c), and 70.105.260, including, but not limited to, collection and disposal of household hazardous waste.

(6) "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day use recreation areas).

(7) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

(8) "Minimum functional standards" means to provide a state-wide consistency and expectation as to the level at which solid waste is managed throughout the state.

(9) "Moderate-risk waste" means:

(a) Any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation; and

(b) Any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(10) "Pilot project" means a moderate-risk hazardous waste management feasibility study developed to provide detailed information for alternative moderate-risk waste management techniques or options.

(11) "Remedial action" means any action or expenditure, consistent with the purposes of chapter 70.105B RCW, to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(12) "Remedial action grants" means grants issued pursuant to this chapter for the purpose of carrying out remedial actions at public or private facilities used primarily for the disposal of municipal solid waste.

(13) "Settlement agreement" means any consent decree entered into pursuant to RCW 70.105B.080 or any consent order or decree with the department in effect October 16, 1987.

(14) "Solid waste disposal or management facility" means (for the purpose of this chapter only) any facility or system owned or operated by local governments for the purpose of controlling, collecting, storing, disposing, recycling, or recovery of solid wastes, including any equipment, structures, or property incidental to such purposes. This term shall not include the acquisition of equipment to collect residential or commercial garbage.

(15) "Solid waste planning and program grants" means grants to assist local governments in activities required under RCW 70.95.130 and 70.95.220.

NEW SECTION

WAC 173-309-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES.

(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) The remedial grants shall be used to supplement local government funding to carry out required remedial actions.

(3) Hazardous waste planning and program grants shall be awarded to local government to implement RCW 70.105.220, 70.105.235 (1)(a) and (b), 70.105.235(3), and 70.105B.220 (4)(b). Each local government must complete and submit a hazardous waste plan to the department for approval or disapproval by June 30, 1990, pursuant to RCW 70.105.220(7). Revisions of existing plans must meet local hazardous waste planning guidelines.

(4) Solid waste planning and program grants shall be awarded to implement RCW 70.95.010, 70.95.080, 70.95.090, 70.95.130, 70.95.140, 70.95.150, 70.105B.220 (4)(c), WAC 173-304-130 and 173-304-490. Each solid waste plan must be revised by June 7, 1989, pursuant to RCW 70.95.110 as outlined in the department's Solid Waste Planning Guidelines, May 1986 and subsequent addenda.

(5) Recycling facility grants shall be awarded to only those projects fulfilling chapter 173-304 WAC and the state "Grant Guidelines for Solid Waste Disposal and Management" or any revisions thereto.

(6) Ground water monitoring grants shall be awarded to implement WAC 173-304-490. Ground water monitoring grants are to meet state "Grant Guidelines for Solid Waste Disposal and Management," or any revisions thereto.

(7) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-309-040 GENERAL. (1) Apportionment of funds.

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following funding categories as follows:

(a) Remedial actions for public or private facilities used primarily for the disposal of municipal solid waste	\$9,000,000
(b) Hazardous waste plans and programs	2,300,000
(c) Solid waste plans and programs	1,500,000
(d) Solid waste disposal and management facilities	3,200,000
To be dispersed as follows:	
(i) Recycling facility grants	2,200,000
(ii) Ground water monitoring grants	1,000,000

(2) Reallotment of funds. At one hundred twenty days prior to the end of the biennium an internal review of the four major funding categories will be conducted by the department. If findings conclude that funds cannot be obligated before the end of the biennium, funds may be reallocated to other funding categories for obligation.

(3) Grant application process. Grant application deadlines and schedules will be announced for each of the funding priority grant programs.

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties.

When applications are received by the department, they will be reviewed and scored by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive.

After an application is scored and an award letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern.

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department.

A grant award is made when a grant contract offer has been signed by both the applicant and the department. The grant contract becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs

incurred prior to that date are grant eligible unless specific provision is made in the grant contract for such costs.

(4) *Appropriation and allotment of funds.* The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.

(5) *Administrative practices.* All grants under this chapter shall be consistent with the provisions of "Financial Guidelines for Grants Management," WDOE 80-6, May 1980, Reprinted March 1982, or subsequent guidelines adopted thereafter.

NEW SECTION

WAC 173-309-050 REMEDIAL ACTION GRANTS. (1) *Applicant eligibility.* The applicant for a remedial action grant shall have entered into a settlement agreement requiring the applicant to undertake remedial action at a facility used primarily for the disposal of municipal solid waste, or shall have been issued an enforcement order under RCW 70.105B.120. Such a facility shall be deemed, for the purpose of this chapter, to be on the hazard ranking list pending issuance of such a list.

Remedial action grants shall be awarded only to a party to a signed settlement agreement or an enforcement order issued under RCW 70.105B.120.

(2) *Eligible project costs.*

(a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste.

(b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:

(i) Remedial investigations to define the extent and source of contamination;

(ii) Feasibility studies to develop and evaluate cleanup options;

(iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;

(iv) Monitoring;

(v) Methane control;

(vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;

(vii) Run-on/run-off water control systems;

(viii) Final cover;

(ix) Ground water treatment and control;

(x) In situ treatment technology;

(xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;

(xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;

(xiii) Other remedial action activities as determined by the department on a case-by-case basis.

(3) *Retroactive funding.* Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987.

(4) *Matching requirements.* Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs.

(5) *Priority for allocation of grant funds.* In evaluating applicants for remedial grants the department may consider the listing of the applicant on the hazard ranking list to be prepared by the department, pursuant to RCW 70.105B.030(3) or the ranking of the applicant on the hazard ranking system to be adopted by the department pursuant to RCW 70.105B.070(2).

NEW SECTION

WAC 173-309-060 HAZARDOUS WASTE PLANNING AND PROGRAM GRANTS. (1) *Applicant eligibility.*

(a) Hazardous waste planning grants. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16).

(b) Pilot projects. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16).

(c) Collection days. The applicant must be a local government.

(2) *Eligible project costs.*

(a)(i) Hazardous waste planning grants.

Eligible costs include direct costs for activities and tasks necessary for developing or updating local hazardous waste management plans, if they are consistent with the department's "Planning Guidelines for Local Hazardous Waste Plans," July 1987, WDOE 87-18.

In-depth planning studies to provide detailed analysis of specific plan elements may be undertaken as a part of an overall planning grant, or separately if it can be demonstrated that the planning requirements are otherwise being met.

(ii) Retroactive funding. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local hazardous waste plans and are in conformance with "Planning Guidelines for Local Hazardous Waste Plans," July 1987, WDOE 87-18 and subsequent addenda.

(b) Collection days. Eligible costs include direct costs for all activities and tasks required to plan and carry out

hazardous waste collection days for household and/or small quantity generator hazardous waste.

(c) Pilot projects. Eligible costs include direct costs for all activities and tasks for projects that examine the technical, economic, and/or social feasibility of alternative moderate-risk waste reduction, recycling, or handling methods.

(3) Matching requirements.

(a) Planning grants. Grants will be made for up to seventy-five percent of the total eligible project cost. The local matching requirement of twenty-five percent of the total eligible project cost shall be waived on any planning grants under which hazardous waste plans are completed and submitted to the department pursuant to RCW 70.105.220(1) by June 30, 1988. In such cases, grant contracts will be written to include a twenty-five percent local share, but will specify that the local share will be reimbursed if plans are completed by June 30, 1988.

(b) Collection days. Grants will be made for up to fifty percent of the total eligible project cost, or fifteen thousand dollars per grant, whichever is the lesser amount.

(c) Pilot projects. Grants will be made for up to fifty percent of the total eligible project cost, or fifty thousand dollars per project, whichever is the lesser amount.

(4) Priority for allocation of grant funds.

(a) Planning grants. It is the department's intent that grants be awarded for all local hazardous waste plan development state-wide. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

(b) Collection days. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

The maximum amount for which any one local government can apply, prior to January 1, 1989, is fifteen thousand dollars. No local governments can apply for a second collection day project until January 1, 1989. If the department has not obligated all funds allocated for collection days at that time, the unobligated funds may be used to fund repeat activities.

(c) Pilot projects. Grant applications will be ranked according to the following criteria:

(i) Adequacy of and integration with local hazardous waste plans. The local government must be in the process of developing or have completed a local hazardous waste plan. The pilot project must be identified as a part of the local hazardous waste plan.

(ii) Promotion of hazardous waste priorities. A pilot project must address one or more of the following: Hazardous waste reduction, recycling, or the methods of handling.

(iii) Environmental and public health protection. Special consideration will be given to local governments which have a special need to protect a sensitive resource or existing public health problem.

(iv) Generation of information. The project must result in information useful to the solution of moderate-risk use waste problems.

NEW SECTION

WAC 173-309-070 SOLID WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility. Eligible local governments under this section are counties and cities pursuant to RCW 70.95.130.

(2) Eligible project costs.

(a) General. Costs for developing or updating local solid waste management plans are grant eligible if:

(i) They are necessary to conduct the project;

(ii) They are consistent with department's solid waste-planning guidelines and subsequent addenda.

(b) Retroactive. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local solid waste plans and are in conformance with the state "Solid Waste Planning Guidelines," May 1986, WDOE 86-4 and subsequent addenda.

(3) Matching requirements. Grants will be made for up to fifty percent of the total eligible project cost.

(4) Allocation of grant funds. It is the department's intent that grants be awarded for developing or updating local solid waste management plans state-wide. Subject to the limits of available funds, those applications that meet eligibility requirements will be approved for funding on a first-come first-served basis.

NEW SECTION

WAC 173-309-080 SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES—RECYCLING FACILITY GRANTS. (1) Applicant eligibility. Recycling facilities are eligible provided that:

(a) It is demonstrated that the proposed recycling activity or service is not reasonably available to persons within the locale from private enterprise; and

(b) It is demonstrated that the recycling project is economically feasible and suitable for successful implementation.

(2) Eligible project costs.

(a) General. Costs are grant eligible if:

(i) They are necessary to conduct the project;

(ii) They are consistent with the department's "Grant Guidelines for Solid Waste Disposal and Management," May 1988.

(b) Recycling facility. Eligible costs include direct costs for yard and garden waste composting facilities, and other recycling facilities. These costs include:

(i) Planning and feasibility studies, environmental impact statements, and permitting costs;

(ii) Preparation of design documents;

(iii) Facility construction;

(iv) Purchase of specialized equipment.

(3) Matching requirements. Grants will be made for up to seventy-five percent of the total eligible project cost.

(4) Priority for allocation of grants. Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The project ranking criteria are as follows:

(a) The extent to which the project will demonstrate effective solid waste reduction and recycling methods.

(b) How the project integrates into the current and planned solid waste management system.

(c) How the project will contribute to the solution of an existing solid waste problem.

(d) The probable technical success of the project.

(e) Demonstration that the project scope is compatible with the cost and needs of the project.

(f) Other special situations that exist in the project.

(g) How the project will be operated and maintained.

NEW SECTION

WAC 173-309-090 SOLID WASTE DISPOSAL AND MANAGEMENT FACILITIES—GROUND WATER MONITORING GRANTS. (1) Applicant eligibility. The ground water monitoring project must be addressed with a facility maintenance and operation plan, as required by chapter 173-304 WAC.

(2) Eligible project costs.

(a) General. Costs are grant eligible if:

(i) They are necessary to conduct the project;

(ii) They are consistent with department's "Grant Guidelines for Solid Waste Disposal and Management," May 1988.

(b) Ground water monitoring. Eligible costs include direct costs incurred by grantees that are owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform ground water monitoring pursuant to WAC 173-304-400. Direct costs involved in design and installation of ground water monitoring wells at existing facilities as defined by WAC 173-304-100 (27)(a) and (b), will be eligible for funding.

(3) Matching requirements. Grants will be made for up to fifty percent of the total eligible project costs, not to exceed a maximum of fifty thousand dollars per local government.

(4) Priority for allocation of grants. Grant application will be ranked according to how each application meets the criteria set forth below. Grants will be awarded within the limits of available funds to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The ranking criteria are as follows:

(a) Ability to pay.

(b) How, or if, the project will contribute directly to the solution of an existing environmental or public health problem.

WSR 88-09-051
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed April 19, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 24, 1988.

The authority under which these rules are proposed is RCW 75.08.070 and 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

Dated: April 19, 1988

By: Judith Merchant

for Joseph R. Blum

Director

STATEMENT OF PURPOSE

Title: WAC 220-44-050 Coastal bottomfish catch limits.

Description of Purpose: Set bottomfish limits.

Statutory Authority: RCW 75.08.070 and 75.08.080.

Summary of Rule and Reasons Supporting Proposed Action: Bottomfish catch limits consistent with recommendations of the Pacific Marine Fisheries Commission are proposed for conservation of stocks.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 586-2429; Implementation: Mark G. Pedersen, 115 General Administration Building, Olympia, Washington, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: No public hearing is scheduled.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No differential impact is anticipated. No effect of 10% of businesses in any one three-digit industrial classification nor 20% of all businesses is expected.

AMENDATORY SECTION (Amending Order 87-17, filed 3/16/87)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) Widow rockfish (*Sebastes entomelas*) - ~~((one)) 30,000 pounds per vessel trip per calendar week ((not to exceed 30,000 pounds)), defined as Wednesday through the following Tuesday. ((No vessel may))~~ It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds per calendar week.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastes spp.*) - no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean perch (*Sebastes alutus*) - No restriction on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if Pacific Ocean perch represent 20 percent or less of total weight of fish on board. Under no circumstances may a vessel land more than 5,000 pounds of Pacific Ocean perch in any one vessel trip.

(4) All other species of rockfish (*Sebastes spp.*) - 25,000 pounds of all other species combined per vessel trip per calendar week, defined as ((Sunday)) Wednesday through the following ((Saturday)) Tuesday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a ((+1987)) 1988 declaration of intent may make either one landing of no more

than 50,000 pounds of all other species combined per vessel trip bi-weekly, defined as ~~((Sunday))~~ Wednesday through the second ~~((Saturday))~~ Tuesday following, of which no more than 20,000 pounds may be yellowtail rockfish, or two landings of not more than 12,500 pounds of all other species in any one calendar week of which not more than 5,000 pounds in any one landing may be yellowtail rockfish. All previous declaration forms have expired and it is unlawful for any vessel to make other than one vessel trip per week unless a new declaration form has been completed as provided for in this subsection. The ~~((+1987))~~ 1988 declaration of intent to make other than one vessel trip per week must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be received prior to the beginning of such fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which such fishing for other species of rockfish will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing ~~((at the beginning of any month))~~ by filing a declaration of intent to stop ~~((biweekly))~~ fishing ~~((for))~~ other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop ((biweekly)) such fishing for other species of rockfish and begin one vessel trip per calendar week fishing must be received prior to the beginning of the week in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make other than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, if no declaration to land other species of rockfish twice weekly has been made.

The date of first landing will determine the beginning of biweekly periodicity~~((:))~~. Biweekly periodicity will restart after a landing that occurs more than four calendar weeks after the immediate prior landing. A calendar week is defined as Wednesday through the following Tuesday.

(5) Sablefish ~~((=))~~.

(a) Trawl vessels - No restrictions on landing up to 1,000 pounds per vessel trip. Landings above 1,000 pounds allowed only if sablefish represent 20 percent or less of total weight of fish on board, or 6,000 pounds round weight (to convert from round weight to dressed weight multiply the dressed weight by 1.75), whichever is greater, with a maximum of two vessel trips per week. Minimum size 22 inches in length, unless dressed in which case minimum size ~~((+6))~~ 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail~~((, except that an))~~. Trawl vessels are allowed an incidental catch less than the minimum size of 5,000 pounds ~~((for trawl gear or +60 pounds for fixed gear is allowed, no vessel)), round weight, per trip (restrictions))~~.

(b) Nonrawl vessels - No trip limit. Minimum size 22 inches in length, unless dressed, in which case minimum size 15.5 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail. Nonrawl vessels are allowed an incidental catch less than the minimum size of 1,500 pounds, round weight, per trip.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 88-09-052

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-21—Filed April 19, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to subsistence fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to

present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available for a subsistence fishery.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 18, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05900N COLUMBIA RIVER TRIBUTARIES—SUBSISTENCE. *Notwithstanding the provisions of WAC 220-32-059, effective immediately until further notice it is unlawful for any fishermen to take salmon for commercial or subsistence purposes from the Yakima, Klickitat, or Wind Rivers, or from Icicle Creek, except treaty Indian fishermen possessing treaty rights under the Yakima Treaty may fish for foodfish for subsistence purposes as provided for in this section:*

(1) *Yakima River - Open noon Thursdays through 6:00 p.m. Saturdays through June 25, 1988, at Horn Rapids and Prosser Dams. Open noon Mondays to 6:00 p.m. Saturdays through June 25, 1988, in those waters of the Yakima River that border the reservation. In all open areas no fishing is allowed within 30 feet of fish bypass pipes or fish ladders, and no fishing is allowed from boats or any other floating device. Lawful gear is restricted to dipnets, setbag nets, or rod and reel with bait or lure.*

(2) *Klickitat River - Open noon Tuesdays to 6:00 p.m. Saturdays through May 28, 1988, in those waters from the Swinging Bridge to Fishway Number 5. No fishing is allowed within 25 feet of a fishway, and lawful gear is restricted to dipnets, setbag nets, or rod and reel with bait or lure.*

(3) *Wind River - Open noon Mondays through 6:00 p.m. Thursdays through June 16, 1988, in those waters from the downstream boundary of the Tribal In-Lieu site to a point 400 feet downstream of Shipperd Falls. Lawful gear is restricted to dipnets, setbag nets, and rod and reel with bait or lures.*

(4) *Icicle Creek - Open 9:00 p.m. Mondays to 6:00 a.m. Thursdays, May 2 through June 30, 1988, in those waters adjacent to the Leavenworth National Fish Hatchery. No fishing is allowed within 30 feet of any fish ladder, and lawful gear is restricted to dipnets, setbag nets, and rod and reel using bait or lures.*

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

WSR 88-09-053
EMERGENCY RULES
BOARD OF HEALTH
 [Order 310—Filed April 19, 1988]

Be it resolved by the Washington State Board of Health, acting at the Spokane County Health District, West 1101 College Avenue, Spokane, WA, that it does adopt the annexed rules relating to communicable and certain other diseases HIV testing and counseling requirements, amending chapter 248-100 WAC.

We, the Washington State Board of Health, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is E2SSB 6221 mandates the adoption of rules by the State Board of Health establishing minimum standards for HIV testing and counseling. The State Board of Health finds that such rules must be in place before mandated regional implementation of the bill is possible.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to sections 701(4) and 709, SSSB 6221, Laws of 1988, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 13, 1988.

By John A. Beare, M.D., M.P.H.
 Secretary

AMENDATORY SECTION (Amending Order 308, filed 3/16/88)

WAC 248-100-011 DEFINITIONS. The following definitions shall apply in the interpretation and enforcement of chapter 248-100 WAC:

(1) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome, and

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting human immunodeficiency virus (HIV) infection.

(2) "Board" means the Washington state board of health.

((+2)) (3) "Carrier" means a person harboring a specific infectious agent and serving as a potential source of infection to others, but who does not have symptoms of the disease.

((+3)) (4) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

((+4)) (5) "Category A disease or condition" means a reportable disease or condition of urgent public health

importance, a case or suspected case of which must be reported to the local or state health officer immediately at the time of diagnosis or suspected diagnosis.

((+5)) (6) "Category B disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer no later than the next working day following date of diagnosis.

((+6)) (7) "Category C disease or condition" means a reportable disease or condition of public health importance, a case of which must be reported to the local health officer within seven days of diagnosis.

((+7)) (8) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

((+8)) (9) "Contact" means a person exposed to an infected person, animal, or contaminated environment which might provide an opportunity to acquire the infection.

((+9)) (10) "Child day care facility" or "day care center" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

((+10)) (11) "Department" means the Washington state department of social and health services.

((+11)) (12) "Food handler" means any person preparing, processing, handling, or serving food or beverages for people other than members of his or her household.

((+12)) (13) "Food service establishment" means any establishment where food or beverages are prepared for sale or service on the premises or elsewhere, and any other establishment or operation where food is served or provided for the public with or without charge.

((+13)) (14) "Health care facility" means any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, maternity homes, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice.

((+14)) (15) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care including persons licensed in this state under Title 18 RCW to practice medicine, podiatry, chiropractic, optometry, osteopathy, nursing, midwifery, dentistry, physician assistants, and military personnel providing health care within the state regardless of licensure.

((+15)) (16) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 248-100-207.

(17) "Infection control measures" means the management of infected persons, persons suspected to be infected, and others in such a manner as to prevent transmission of the infectious agent.

((+16)) (18) "Isolation" means the separation or restriction of activities of infected persons, or of persons

suspected to be infected, from other persons to prevent transmission of the infectious agent.

~~((17))~~ (19) "Laboratory director" means the director or manager, by whatever title known, having the administrative responsibility in any medical laboratory.

~~((18))~~ (20) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

~~((19))~~ (21) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

~~((20))~~ (22) "Medical laboratory" means any facility analyzing specimens of original material from the human body for purposes of patient care.

~~((21))~~ (23) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

~~((22))~~ (24) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

~~((23))~~ (25) "Post-test counseling" means counseling subsequent to pre-test counseling and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting human immunodeficiency virus (HIV) infection; and

(c) Encouraging the individual to notify persons with whom there has been contact capable of spreading HIV.

(26) "Pre-test counseling" means counseling aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) infection;

(ii) The nature and purpose of the HIV tests;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

(27) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

~~((24))~~ (28) "Quarantine" means the separation or restriction on activities of a person having been exposed to or infected with an infectious agent, to prevent disease transmission.

~~((25))~~ (29) "Reportable disease or condition" means a disease or condition of public health importance, a case of which, and for certain diseases, a suspected case of which, must be brought to the attention of the local health officer.

~~((26))~~ (30) "School" means a facility for programs of education as defined in RCW 28A.31.102 (preschool and kindergarten through grade twelve).

~~((27))~~ (31) "State health officer" means the person designated by the secretary of the department to serve as

statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

~~((28))~~ (32) "Suspected case" means a person whose diagnosis is thought likely to be a particular disease or condition with suspected diagnosis based on signs and symptoms, laboratory evidence, or both.

~~((29))~~ (33) "Unusual communicable disease" means a communicable disease which is not commonly seen in the state of Washington but which is of general public health concern including, but not limited to, Lassa fever, smallpox, typhus, and yellow fever.

~~((30))~~ (34) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

NEW SECTION

WAC 248-100-207 HUMAN IMMUNODEFICIENCY VIRUS (HIV) TESTING—LABORATORY SCREENING AND INTERPRETATION. (1) Laboratories and other places where HIV testing is performed shall demonstrate complete and satisfactory participation in an HIV proficiency testing program approved by the department laboratory quality assurance section, mail stop B17-9, Seattle, Washington 98104.

(2) Persons interpreting laboratory tests as positive or indicative of infection with HIV shall do so only when:

(a) HIV is isolated by viral culture technique; or

(b) HIV antibodies are identified by a sequence of tests which are reactive and include:

(i) A repeatedly reactive screening test such as the enzyme immunoassay (EIA); and

(ii) An additional, more specific, assay such as a positive western blot or other tests as defined and described in the AIDS office manual, April, 1988, DSHS, mail stop LP-13, Olympia, Washington 98504.

(3) The department laboratory quality assurance section shall accept substitutions for EIA screening only as approved by the United States Food and Drug Administration (FDA) and a published list or other written FDA communication.

NEW SECTION

WAC 248-100-208 COUNSELING STANDARDS—ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) COUNSELING—PRE-TEST COUNSELING—POST-TEST COUNSELING. (1) Persons providing AIDS counseling, pre-test counseling, and/or post-test counseling shall, during that counseling:

(a) Assess the behaviors of each individual counseled for risk of acquiring and transmitting human immunodeficiency virus (HIV);

(b) Maintain a nonjudgmental environment which is:

(i) Sensitive to the individual's particular circumstances; and

(ii) Culturally and linguistically appropriate to the individual being counseled.

(c) Focus counseling on behaviors increasing the risk of HIV acquisition and transmission;

(d) Provide personalized risk reduction education to individuals who meet any of the following:

(i) Men engaging in unprotected sex with other men since 1977;

(ii) Persons using intravenous substances since 1977, especially those sharing needles and syringes;

(iii) Persons engaging in sex for money or drugs since 1977;

(iv) Persons who are or were sexual partners, and/or needle-sharing partners, of persons listed in subsection (1)(d)(i), (ii), and (iii) of this section;

(v) Persons exposed to a sexually transmitted disease (STD) other than HIV infections;

(vi) Other persons defined epidemiologically to be at increased risk of HIV infection;

(vii) Individuals required by E2SSB 6221, 1988, to receive HIV counseling and testing.

(2) Persons, agencies, and organizations providing AIDS counseling, pre-test counseling, and/or post-test counseling shall:

(a) Develop and maintain a system of referral and make referrals that:

(i) Are convenient and confidential for those counseled;

(ii) Are acceptable to and supportive of those counseled;

(iii) Provide assistance to those counseled in maintaining risk reduction behavior;

(iv) Make those counseled aware of the potential need for HIV retesting at a later date, if appropriate.

(b) Participate in a quality assurance program for counseling approved by the department office on AIDS to:

(i) Maintain competence in providing individualized counseling; and

(ii) Assure consistent and accurately delivered counseling messages and information.

(3) Individuals and organizations providing AIDS counseling shall:

(a) Meet requirements in subsections (1) and (2) of this section; and

(b) Encourage individuals assessed to be at increased risk of HIV infection to:

(i) Receive pre-test counseling; and

(ii) Consider confidential or anonymous HIV testing, if appropriate.

(4) Individuals and organizations providing pre-test and post-test counseling shall:

(a) Meet requirements in subsections (1) and (2) of this section; and

(b) Provide at least one individual counseling session prior to HIV testing; and

(c) Provide at least one individual counseling session after HIV testing for individuals when test results are positive or when the individual has reported practicing behaviors listed in subsection (1)(d)(i), (ii), and (iii) of this section; and

(d) Complete a pre-test/post-test counselor training program provided by the office on AIDS, DSHS, Olympia, Washington 98504, or Seattle AIDS prevention project, Seattle-King County department of health, 1116 Seneca, Seattle, Washington; and

(e) Emphasize or re-emphasize the following counseling messages if an individual is assessed to be at increased risk of HIV infection:

(i) Do not donate blood, semen, organs, or other body tissues;

(ii) Do not share intravenous drug needles and syringes;

(iii) Do not share blood and semen or any other body fluid which may contain blood;

(iv) Condoms, even if used properly, do not supply absolute protection from HIV infection;

(v) Condoms may reduce risk of HIV infection if the condom is:

(A) Latex;

(B) Used in conjunction with spermicide during intercourse; and

(C) Worn from start to finish during sex.

(vi) The sexual behaviors involving highest risk for HIV are those involving the exchange of blood and semen including receptive anal intercourse and vaginal intercourse;

(vii) Anal intercourse may increase the risk of condom failure and HIV infection;

(viii) The following will eliminate or decrease the risk of HIV infections:

(A) Sexual abstinence;

(B) A mutually monogamous relationship between uninfected people; and

(C) Reducing the number of sexual partners while following safer sex guidelines.

(ix) Infected women should postpone pregnancy until more is known about how to prevent prenatal and perinatal transmission of HIV infection;

(x) Sexual negotiation skills can be learned to enhance risk reduction;

(xi) Other sexually transmitted diseases, especially those causing genital ulcers, may increase the risk of acquiring or transmitting HIV infection; and

(xii) The individual with HIV infection has an obligation to inform sexual partners.

(5) During pre-test counseling, counselors shall notify any individual planning to be tested for HIV of the appropriateness of informing sexual and needle-sharing partners if test results are positive.

(6) During post-test counseling of individuals testing positive for HIV, counselors shall:

(a) Offer to assist persons in notifying partners;

(b) Offer referral of partners, as appropriate;

(c) Develop or adopt a system to avoid documenting the names of referred partners in the permanent record of the individual being counseled; and

(d) Offer referral for mental health counseling, including suicide prevention, if appropriate.

WSR 88-09-054
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning the water resources program. In accordance with the Ecology Procedures Simplification Act (Senate Bill 5427, Laws of 1987) the water resources program is proposing to amend pertinent Washington Administrative Code (WAC) regulations. The proposed changes in the WAC's are nonsubstantive, procedural actions to increase readability and consistency, update agency names and update references to correct RCW citations. These changes do not alter or amend the current guidelines, standards, or criteria governing ecology's water resources management program.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 7, 1988.

The authority under which these rules are proposed is chapters 43.27A and 90.44 RCW for chapter 173-100 WAC; chapters 43.21A, 43.27A, 90.03 and 90.44 RCW for chapters 173-124, 173-128A, 173-130A, 173-132, 173-134A, 173-136 and 173-154 WAC; chapters 18.104, 43.21A, 43.27A, 90.44 and 90.54 RCW for chapter 173-150 WAC; chapters 43.83 [43.83B] and 43.27A RCW for chapters 173-164 and 173-166 WAC; chapters 90.54 and 43.27A RCW for chapter 173-500 WAC; chapters 43.21B, 43.27A, 90.22 and 90.54 RCW for chapters 173-501, 173-507, 173-508, 173-509, 173-510, 173-511, 173-512, 173-513, 173-514, 173-515, 173-522, 173-545, 173-549, 173-559, 173-563, 173-590, 173-591 and 173-592 WAC; chapters 43.27A, 90.22 and 90.54 RCW for chapters 173-530, 173-531A, 173-532, 173-548, 173-555 and 173-596 WAC; chapter 43.27A RCW for chapter 508-12 WAC; and chapters 43.21A, 43.27A and 90.44 RCW for chapters 508-14 and 508-64 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 27, 1988.

Dated: April 20, 1988
 By: Phillip C. Johnson
 Deputy Director, Programs

STATEMENT OF PURPOSE

Title: Chapter 173-100 WAC, Ground water management areas and programs.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-100-050(2), in the second sentence add the word "water" after the word "ground" at the end of the sentence. Add WAC 173-100-160 Regulation review.

Title: Chapter 173-124 WAC, Quincy ground water management subarea and zones.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: WAC 173-124-06001 will be repealed and the entire section will be adopted as a new

section WAC 173-124-070. Add WAC 173-124-080 Regulation review.

Title: Chapter 173-128A WAC, Odessa ground water management subarea.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 173-128A-060 Regulation review.

Title: Chapter 173-130A WAC, Odessa ground water subarea management policy.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Strike wording in WAC 173-130A-220 and replace with new regulation review wording. Add WAC 173-130A-215 Enforcement and WAC 173-130A-217 Appeals.

Title: Chapter 173-132 WAC, Duck Lake ground water management subarea.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 173-132-060 Regulation review.

Title: Chapter 173-134A WAC, Quincy ground water subarea management policy.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Strike wording in WAC 173-134A-150 and replace with new regulation review wording. Strike wording in WAC 173-134A-170 and replace with new appeals wording. Add WAC 173-134A-165 Enforcement.

Title: Chapter 173-136 WAC, The establishment of a system of authorizing the withdrawal of artificially stored ground waters embodied in an approved declaration under RCW 90.44.130, which are commingled with public ground waters in ground water areas, subareas, and zones established under RCW 90.44.130.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Strike wording in WAC 173-136-100 and replace with new appeals language. Add WAC 173-136-095 Enforcement and WAC 173-136-110 Regulation review.

Title: Chapter 173-150 WAC, Protection of withdrawal facilities associated with ground water rights.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44, 90.54 and 18.104 RCW.

Summary of Rule: In WAC 173-150-130 strike subsection (1). Change the remaining wording to new appeals. Add WAC 173-150-125 Enforcement and WAC 173-150-135 Regulation review.

Title: Chapter 173-154 WAC, Protection of upper aquifer zones.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Strike wording in WAC 173-154-100 and replace with new appeals wording. Add WAC 173-154-095 Enforcement and WAC 173-154-105 Regulation review.

Title: Chapter 173-164 WAC, Water rate charges.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44, 90.54 and 43.83B RCW.

Summary of Rule: In WAC 173-164-050 strike [1981] and replace with 1981 and strike [forty-five] and replace with forty-five. Add WAC 173-164-080 Regulation review.

Title: Chapter 173-166 WAC, Emergency water withdrawal facilities.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44, 90.54 and 43.83B RCW.

Summary of Rule: Add WAC 173-166-070 Regulation review.

Title: Chapter 173-500 WAC, Water resources management program established pursuant to the Water Resources Act of 1971.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-500-010 strike the word "set" in the first sentence and insert the word "sets". In WAC 173-500-030 changed citation of chapter 90.54 as a WAC to RCW. Add WAC 173-500-070 Regulation review.

Title: Chapter 173-501 WAC, Instream resources protection program Nooksack Water Resource Inventory Area (WRIA) 1.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-501-090 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-501-095 Appeals. Strike wording in WAC 173-501-100 and replace with new regulation review wording.

Title: Chapter 173-507 WAC, Instream resources protection program—Snohomish River basin, Water Resource Inventory Area (WRIA) 7.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change several references Department of Game to Department of Wildlife. In WAC 173-507-070 change reference to RCW 43.83B.335 to RCW 90.03.600. Strike WAC 173-507-080 and replace with new regulation review wording. Add WAC 173-507-075 Appeals.

Title: Chapter 173-508 WAC, Instream resources protection program—Cedar—Sammamish basin, Water Resource Inventory Area (WRIA) 8.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-508-070 add the word "under" after the word "granted" in the last sentence. In WAC 173-508-090 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-508-095 Appeals. Strike wording in WAC 173-508-100 and replace with new regulation review wording.

Title: Chapter 173-509 WAC, Instream resources protection program—Green—Duwamish River basin, Water Resource Inventory Area (WRIA) 9.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change several references to Department of Game to Department of Wildlife. In WAC 173-509-080 changed references to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-509-085 Appeals. In WAC 173-509-090 strike the first sentence and add new regulation review wording in place of it.

Title: Chapter 173-510 WAC, Instream resources protection program—Puyallup River basin, Water Resource Inventory Area (WRIA) 10.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change reference to Department of Game to Department of Wildlife. In WAC 173-510-090 change reference to RCW 43.83B.355 to RCW 90.03.600. Add WAC 173-510-095 Appeals. Strike wording in WAC 173-510-100 and replace with new regulation review wording.

Title: Chapter 173-511 WAC, Instream Resources protection program—Nisqually River basin, Water Resource Inventory Area (WRIA) 11.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-511-090 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-511-095 Appeals. Strike wording in WAC 173-511-100 and replace with new regulation review wording.

Title: Chapter 173-512 WAC, Instream resources protection program—Chamber—Clover creeks basin Water Resource Inventory Area (WRIA) 12.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-512-070 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-512-075 Appeals. Strike wording in WAC 173-512-080 and replace with new regulation review wording.

Title: Chapter 173-513 WAC, Instream resources protection program—Deschutes River basin, Water Resources Inventory Area (WRIA) 13.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-513-090 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-513-095 Appeals. Strike wording in WAC 173-513-100 and replace with new regulation review wording.

Title: Chapter 173-514 WAC, Instream resources protection program—Kennedy—Goldsborough Water Resource Inventory Area (WRIA) 14.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-514-080 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-514-085 Appeals. Strike wording in WAC 173-514-090 and replace with new regulation review wording.

Title: Chapter 173-515 WAC, Instream resources protection program Kitsap—Water Resource Inventory Area (WRIA) 15.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-515-090 change reference to RCW 43.83B.335 to 90.03.600. Add WAC 173-515-095 Appeals. Strike wording in WAC 173-515-100 and replace with new regulation review wording.

Title: Chapter 173-522 WAC, Water resources program in the Chehalis River basin Water Resource Inventory Area WRIA-22 and 23.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change reference to Department of Game to Department of Wildlife. Add WAC 173-522-070 Enforcement, WAC 173-522-080 Appeals and WAC 173-522-090 Regulation review.

Title: Chapter 173-530 WAC, Water resources program in the Klickitat River basin, WRIA-30.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Entire chapter will be repealed. The withdrawal of water from appropriation has expired.

Title: Chapter 173-531A WAC, Water resource program for the John Day-McNary Pools reach of the Columbia River, WRIA-31 and parts of WRIA's-32, 33, 36, and 37.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 173-531A-080 Enforcement and WAC 173-531A-090 Appeals.

Title: Chapter 173-532 WAC, Water resources program for the Walla Walla River basin WRIA-32.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: WAC 173-532-090 Enforcement, WAC 173-532-100 Appeals and WAC 173-532-110 Regulation review.

Title: Chapter 173-545 WAC, Instream resources protection program—Wenatchee River basin, Water Resources Inventory Area (WRIA) 45.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-545-090 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-545-095 Appeals. Strike wording in WAC 173-545-100 and replace with new regulation review wording.

Title: Chapter 173-548 WAC, Water resources program in the Methow River basin WRIA-48.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 173-548-080 Enforcement, WAC 173-548-090 Appeals and WAC 173-548-100 Regulation review.

Title: Chapter 173-549 WAC, Water resources program in the Okanogan River basin, WRIA-49.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: In WAC 173-549-090 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-549-095 Appeals. Strike wording in WAC 173-549-100 and replace with new regulation review wording.

Title: Chapter 173-555 WAC, Water resources program in the Little Spokane River basin, WRIA-55.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 173-555-080 Enforcement, WAC 173-555-090 Appeals and WAC 173-555-100 Regulation review.

Title: Chapter 173-559 WAC, Water resources program for the Colville River basin, WRIA-59.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 173-559-080 Enforcement, WAC 173-559-090 Appeals and WAC 173-559-100 Regulation review.

Title: Chapter 173-563 WAC, Instream resources protection program for the main stem Columbia River in Washington state.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change several references to "Department of Game" to "Department of Wildlife." In WAC 173-563-070 change reference to RCW 43.83B.335 to RCW 90.03.600. Add WAC 173-563-075 Appeals. In WAC 173-563-080 change "Department of Natural Resources" to "Commissioner of Public Lands." Strike wording in WAC 173-563-090 and replace with new regulation review wording.

Title: Chapter 173-590 WAC, Procedures relating to the reservation of water for future public water supply.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change reference to "Department of Game" to "Department of Wildlife." In WAC 173-590-110 strike "[to]" and replace with "to". In WAC 173-590-140 strike ". . . and changes as necessary, at least once every five years" and insert ". . . whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions." Strike second paragraph of WAC 173-590-180. Add WAC 173-590-190 Regulation review.

Title: Chapter 173-591 WAC, Reservation of future public water supply for Thurston County.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change reference to the "Department of Game" to "Department of Wildlife." In WAC 173-591-070(2) strike "at least once every ten years to ensure that public water supplies are provided for the entire reservation period" and replace with "whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions." Add WAC 173-591-115 Appeals. Strike wording in WAC

173-591-120 and replace with new regulation review wording.

Title: Chapter 173-592 WAC, Reservation of future public water supply for Clark County.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change references to "Department of Game" to "Department of Wildlife." In WAC 173-592-070(2) strike, "at least once every ten years to ensure that adequate public water supplies are provided for the entire reservation period" and replace with "whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions." Strike wording in WAC 173-592-110 and replace with new regulation review wording. Add WAC 173-592-115 Appeals.

Title: Chapter 173-596 WAC, Procedures and policies governing appropriations of significant amounts or water for agricultural irrigation use.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Entire chapter will be repealed. Chapter was superseded by chapter 90.66 RCW.

Title: Chapter 508-12 WAC, Administration of surface and ground water codes.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change references to "supervisor" to "Department of Ecology"; change references to "Division of Water Resources" to "Department of Ecology"; change references to "RCW 90.03.040" to "RCW 90.03.280"; change references to "RCW 90.28.060" to "RCW 90.03.350"; change references to "RCW 90.28.090" to "RCW 90.03.308 [90.03.380]"; and change references to "chapter 90.32 RCW" to "chapter 90.03 RCW." Repeal WAC 508-12-070. In WAC 508-12-080 strike, "If in his discretion, the proceedings should be instigated, he" and insert "If an adjudication proceeding is instigated, the Department of Ecology." In WAC 508-12-120 strike "Three copies of maps or sketches" and insert with "A map". Change WAC 508-12-170(2) to read "All protests or objections will be thoroughly investigated by the Department of Ecology which, may hold a meeting among the parties for fact-finding purposes." In WAC 508-12-210 strike "supervisor or one of his duly authorized deputies" and insert "director of the Department of Ecology or duly authorized representative." In WAC 508-12-220 change "WAC 134-12-090 through 134-12-210" to "WAC 508-12-080 through 508-12-210". Add WAC 508-12-390 Enforcement, WAC 508-12-400 Appeals and WAC 508-12-410 Regulation review.

Title: Chapter 508-14 WAC, Columbia basin project ground waters.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Add WAC 508-14-040 Appeals and WAC 308-14-050 Regulation review.

Title: Chapter 508-64 WAC, Measuring devices for water diversion and withdrawal facilities.

Statutory Authority: Chapters 43.21, 43.21A, 43.27A, 90.22, 90.03, 90.44 and 90.54 RCW.

Summary of Rule: Change references to "the Department of Water Resources" to "the Department of Ecology." In WAC 508-64-060 strike the second sentence, "Enforcement of orders issued under the WAC 508-64-050 shall be carried out through the issuance of regulatory orders as provided in section 7, chapter 284, Laws of 1969 ex. sess." and replace with new enforcement wording. Add WAC 508-64-070 Appeals and WAC 508-64-080 Regulation review.

Description of Purpose: Amending water resources related Washington Administrative Code regulations for compliance with the Ecology Procedures Simplification Act and to update citations and agency names. These changes do not alter or amend the current guidelines, standards, or criteria governing Ecology's Water Resources Management Program.

Reasons Supporting Proposed Action: Ecology Procedures Simplification Act (Senate Bill 5427), section 161 directs the Department of Ecology to amend its rules.

Agency Personnel Responsible for Drafting: Hedia Adelsman, Mailstop PV-11, Olympia, WA 98504, (206) 459-6056; Implementing: Regional Resource Management, Personnel; and Enforcement: Spokane (509) 456-2926, Yakima (509) 575-2800, Redmond (206) 867-7000 and Tumwater (206) 753-2353.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The proposed rule amendments [amends an] area of a nonsubstantive nature. Added sections reflect existing statutory requirements and are being included for information purposes.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order DE 85-24, filed 12/20/85)

WAC 173-100-050 PROBABLE GROUND WATER MANAGEMENT AREAS. The department in cooperation with local government and ground water user groups shall identify probable ground water management areas.

(1) Probable ground water management areas may be proposed for identification at any time by the department upon its own motion or at the request of other state agencies, local government or ground water user groups.

(2) Probable ground water management area boundaries shall be delineated so as to enclose one or more distinct bodies of public ground water as nearly as known facts permit. Probable ground water management subareas shall be delineated so as to enclose all or any part of a distinct body of public ground water. Boundaries shall be based on hydrogeologic properties such as limits to lateral extent of aquifers, major perennial rivers, and regional ground water divides or as deemed appropriate by the department to most effectively accomplish the purposes of this chapter.

(3) The criteria to guide identification of probable ground water management areas shall include, but not be limited to, the following:

- (a) Geographic areas where ground water quality is threatened;
- (b) Aquifers that are declining due to restricted recharge or over-utilization;

(c) Aquifers in which over-appropriation may have occurred and adjudication of water rights has not yet been completed;

(d) Aquifers reserved or being considered for water supply reservation under chapter 90.54 RCW for future beneficial uses;

(e) Aquifers identified as the primary source of supply for public water supply systems;

(f) Aquifers underlying a critical water supply service area where the coordinated water system plan established pursuant to chapter 70.116 RCW has identified a need for a ground water management program;

(g) Aquifers designated as sole source aquifers by the federal Environmental Protection Agency;

(h) Geographic areas where the ground water is susceptible to contamination or degradation resulting from land use activities;

(i) Aquifers threatened by seawater intrusion; or

(j) Aquifers from which major ground water withdrawals have been proposed or appear imminent.

(4) The state agency, local government or ground water user group requesting probable ground water management area identification shall provide sufficient information for the department to determine if the area should be so identified. The department and other affected state and local governments and user groups may cooperate in preparing the request for identification.

(a) The request for identification shall be presented in a concise, factual report form and shall consider the guidelines and criteria set forth in subsections (2) and (3) of this section as they relate to the proposed area. It shall also contain: (i) Supporting data as to the need for such identification; (ii) a general description of and rationale for the proposed ground water management area boundary; (iii) goals and objectives for the proposed ground water management area; (iv) an estimated cost of developing the ground water management program and potential funding sources; (v) recommendations for agencies, organizations and groups to be represented on the ground water management area advisory committee; and (vi) a recommendation for the lead agency, taking into consideration the responsibilities contained in WAC 173-100-080.

(b) The recommendation for lead agency shall first be submitted to the county or counties with jurisdiction for written concurrence. Such written concurrence shall be included with the information required in (a) of this subsection. If such concurrence cannot be obtained, the department shall attempt to mediate an agreement between the parties.

(c) The agency or ground water user group initiating the request for identification shall hold at least one public meeting for the purpose of receiving comments from the public, affected local, state and tribal agencies and ground water user groups.

(d) Upon completion, the request for identification shall be submitted to the department and other affected state and local agencies and ground water user groups for their review and comment. Comments shall be submitted to the department.

(5) If the department is proposing an area for identification, the department shall prepare a report containing the information in subsection (4)(a) of this section, hold a public meeting, and submit the report to affected state and local agencies and ground water user groups for their review and comment.

(6) Based upon review of the request for identification together with any comments received and a finding that the proposed area meets the guidelines and criteria of subsections (2) and (3) of this section, the department shall identify the proposed area as a probable ground water management area, establish the general planning boundaries and appoint a lead agency. When a probable ground water management area is included within only one county and that county indicates its desire to assume lead agency status, the department shall appoint the county as lead agency. The department shall notify affected state and local agencies, ground water user groups, tribal governments and local news media of such identification.

NEW SECTION

WAC 173-100-160 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-124-070 SUBAREA, ZONE, AND UNIT DISTINCTIONS. The Quincy unconsolidated zone and the Quincy basalt zone, defined at WAC 173-124-050, are separate and distinct depth

zones, as that term is used in chapter 90.44 RCW. The Quincy unconsolidated zone and the Quincy basalt zone are different than the Quincy shallow management unit and the Quincy deep management unit, which are defined at WAC 173-134-020.

The horizontal boundaries of the Quincy depth zones and the Quincy management units are identical to the exterior boundaries of the Quincy ground water subarea, and no Quincy depth zone or management unit extends beyond those boundaries, for comprehensive water management purposes. Neither does any depth zone of the Odessa ground water subarea, as defined at chapter 173-130 WAC, extend beyond the exterior boundaries of the Odessa ground water subarea, as those are defined and indicated at chapter 173-128 WAC. The bodies of ground water contained within the exterior boundaries of the Quincy ground water subarea are considered to be separate and distinct from the bodies of ground water contained within the exterior boundaries of the Odessa ground water subarea, which is significantly different than the Quincy ground water subarea in various respects.

This regulation is adopted to clarify the differences between the Quincy ground water subarea and the Odessa ground water subarea, and the differences among depth zones and management units. This regulation merely restates what the department of ecology consistently has understood to be the meaning and effect of this chapter and related chapters, notwithstanding any other understanding by the public or any other agency or board, federal or state.

NEW SECTION

WAC 173-124-080 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-124-06001 SUBAREA, ZONE, AND UNIT DISTINCTIONS.

NEW SECTION

WAC 173-128A-060 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-132-060 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-136-095 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

AMENDATORY SECTION (Amending Order 74-36, filed 1/9/75)

WAC 173-136-100 (~~REVIEW BEFORE THE POLLUTION CONTROL HEARINGS BOARD~~) APPEALS. (~~Rulings on permits and other orders and decisions related~~) All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review ((before)) by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-136-110 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-150-125 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

AMENDATORY SECTION (Amending Order 84-44, filed 5/29/85)

WAC 173-150-130 APPEALS. ~~((1) Regulatory orders issued by the department pursuant to this chapter shall be issued in accordance with RCW 43.27A.190.~~

~~((2)) All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board ((under)) in accordance with chapter 43.21B RCW.~~

NEW SECTION

WAC 173-150-135 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-154-095 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

AMENDATORY SECTION (Amending Order 84-45, filed 5/29/85)

WAC 173-154-100 APPEALS. ~~((1) Regulatory orders issued by the department pursuant to this chapter shall be issued in accordance with RCW 43.27A.190.~~

~~((2)) All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board ((under)) in accordance with chapter 43.21B RCW.~~

NEW SECTION

WAC 173-154-105 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-166-070 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 75-23, filed 1/6/76)

WAC 173-500-010 BACKGROUND. (1) The Water Resources Act of 1971 (chapter 90.54 RCW) sets forth fundamentals of water resource policy to insure that the waters of the state will be protected and fully utilized for the greatest benefit to the people of the state of Washington and, in relation thereto, to provide direction to the department of ecology and other state agencies and officials in carrying out water and related resource programs.

(2) The department was directed, through the adoption of appropriate rules, to develop and implement a comprehensive state water program which would provide a process for making decisions on future water resource allocations and uses.

(3) The act provides that the department of ecology may develop a water program in regional segments so that immediate attention may be given to waters of a give physio-economic region of the state or to specific critical problems of water allocation and use.

(4) The act further directed the department of ecology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.

AMENDATORY SECTION (Amending Order DE 75-23, filed 1/6/76)

WAC 173-500-030 AUTHORITY. This regulation is promulgated by the department of ecology under the authority of chapter 90.54 ((WAC)) RCW.

NEW SECTION

WAC 173-500-070 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order 85-19, filed 12/4/85)

WAC 173-501-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43.83B.335)) 90.03.600.

NEW SECTION

WAC 173-501-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order 85-19, filed 12/4/85)

WAC 173-501-100 REGULATION REVIEW. ~~((Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption:)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.~~

AMENDATORY SECTION (Amending Order DE 79-8, filed 9/6/79)

WAC 173-507-020 ESTABLISHMENT OF INSTREAM FLOWS. (1) Instream flows are established for stream management units with monitoring to take place at certain control stations as follows:

STREAM MANAGEMENT UNIT INFORMATION

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.1330.00 So. Fk. Skykomish River	51.6 28-27-10E	From confluence with N. Fk. Sky- komish River to headwaters.
12.1381.50 Sultan River	5.1 17-28-8E	From mouth to headwaters.
12.1411.00 Skykomish River	25.0 12-27-6E	From mouth to headwaters, ex- cluding So. Fk. Skykomish River and Sultan River.
12.1430.00 No. Fk. Snoqualmie	2.2 26-24-8E	From mouth to headwaters.
12.1445.00 Snoqualmie River	40.0 19-24-8E	From Snoqualmie Falls to head- waters, excluding No. Fork Snoqualmie River.
12.1485.00 Tolt River	8.7 31-26-8E	From mouth to headwaters.
12.1490.00 Snoqualmie River	23.0 9-25-7E	From confluence with Harris Creek to Snoqualmie Falls, excluding Tolt River.

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12. Snoqualmie River	2.5 26-27-6E	From mouth to confluence with Harris Creek, including Harris Creek.
12.1554.00 Pilchuck River	1.9 18-28-6E	From mouth to headwaters.
12.1508.00 Snohomish River	20.4 16-27-6E	From influence of mean annual high tide at low base flow levels to confluence with Skykomish River and Snoqualmie River, excluding Pilchuck River.

(2) Instream flows established for the stream management units in WAC 173-507-020(1) are as follows:

INSTREAM FLOWS IN THE SNOHOMISH RIVER BASIN
(in Cubic Feet per Second)

Month	Day	12.1330.00 So.Fk. Skykomish	12.1411.00 Skykomish	12.1430.00 No.Fk* Snoqualmie	No.Fk.** Snoqualmie
Jan.	1	900	2200	260	200
	15	900	2200	260	200
Feb.	1	900	2200	260	200
	15	900	2200	260	200
Mar.	1	900	2200	260	200
	15	900	2200	300	200
Apr.	1	1100	2650	300	200
	15	1250	3250	300	200
May	1	1250	4000	300	200
	15	1250	4900	300	200
June	1	1250	4900	300	200
	15	1250	4900	300	200
July	1	1250	3250	300	200
	15	950	2170	195	140
Aug.	1	650	1450	130	100
	15	450	1000	130	100
Sept.	1	450	1000	130	100
	15	450	1000	130	100
Oct.	1	550	1300	130	130
	15	700	1700	165	165
Nov.	1	900	2200	210	200
	15	900	2200	260	200
Dec.	1	900	2200	260	200
	15	900	2200	260	200

*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and ((game)) wildlife, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

**Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1381.50 Sultan	12.1445.00 Snoqualmie (above Falls)	12.1485.50 Tolt River*	Tolt River**
Jan.	1		1550	280	190
	15		1550	280	190
Feb.	1		1550	280	190
	15		1550	280	190
Mar.	1		1550	280	190
	15		1550	280	190
Apr.	1		1550	280	190
	15		1550	280	190
May	1		1550	280	190
	15		1550	280	190
June	1		1550	280	190
	15		1550	280	165

Month	Day	12.1381.50 Sultan	12.1445.00 Snoqualmie (above Falls)	12.1485.50 Tolt River*	Tolt River**
July	1		1550	280	140
	15		1100	240	120
Aug.	1		770	170	120
	15		600	120	120
Sept.	1		600	120	120
	15		600	120	120
Oct.	1		820	190	185
	15		1100	280	190
Nov.	1		1550	280	190
	15		1550	280	190
Dec.	1		1550	280	190
	15		1550	280	190

*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and ((game)) wildlife, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

**Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1490.00 Snoqualmie (Carnation)	12. Snoqualmie (mouth)	12.1554.00 Pilchuck R.	12.1508.00 Snohomish R.
Jan.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Feb.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Mar.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Apr.	1	2500	2800	300	6000
	15	2500	2800	300	6500
May	1	2500	2800	300	7200
	15	2500	2800	300	8000
June	1	2500	2800	300	8000
	15	2500	2800	300	8000
July	1	1850	2180	220	5700
	15	1300	1550	160	4000
Aug.	1	950	1080	120	2800
	15	700	800	85	2000
Sept.	1	700	800	85	2000
	15	700	800	85	2000
Oct.	1	1050	1200	130	2900
	15	1650	1850	200	4000
Nov.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Dec.	1	2500	2800	300	6000
	15	2500	2800	300	6000

(3) Instream flow hydrographs, as represented in the document entitled "Snohomish River instream resource protection program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-507-020(2).

(4) All consumptive water rights hereafter established shall be expressly subject to the instream flows established in WAC 173-507-020 (1) through (3).

(5) At such time as the departments of fisheries and/or ((game)) wildlife and the department of ecology agree that additional stream management units should be defined, other than those specified in WAC 173-507-020(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall set instream flows where possible for those stations as provided in chapters 90.22 and 90.54 RCW.

AMENDATORY SECTION (Amending Order DE 79-8, filed 9/6/79)

WAC 173-507-070 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43.83B.335)) 90.03.600.

NEW SECTION

WAC 173-507-075 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and

related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 79-8, filed 9/6/79)

WAC 173-507-080 REGULATION REVIEW. (~~The rules in this chapter shall be reviewed by the department at least once in every five year period.~~) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 79-9, filed 9/6/79)

WAC 173-508-070 FUTURE RIGHTS. No water rights to divert or store public surface waters of the Cedar-Sammamish basin WRIA 8 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses may be granted under the provisions of this chapter.

AMENDATORY SECTION (Amending Order DE 79-9, filed 9/6/79)

WAC 173-508-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43.83B.335)) 90.03.600.

NEW SECTION

WAC 173-508-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 79-9, filed 9/6/79)

WAC 173-508-100 REGULATION REVIEW. (~~The rules in this chapter shall be reviewed by the department at least once in every five year period.~~) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 79-32, filed 6/6/80)

WAC 173-509-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) Instream flows are established for stream management units with monitoring to take place at certain control stations as follows:

STREAM MANAGEMENT UNIT INFORMATION

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.1130.00 Green River near Auburn, WA	32.0 17-21-5	From influence of mean annual high tide at low instream flow levels (approximately River Mile 11.0) to USGS Gage #12.1067.000
12.1067.00 Green River near Palmer, WA	60.4 13-21-7	From USGS Gage #12.1067.000 to headwaters.

The Palmer gage will be used to condition future water rights upstream from that gage. The Auburn gage will be used to condition future water right appropriations downstream from the Palmer gage. If it becomes necessary to change a control station location to improve measurement accuracy or management capability, the department shall do so under provisions in WAC 173-500-060(6).

(2) Instream flows established for the stream management units in WAC 173-509-030(1) are as follows:

INSTREAM FLOWS FOR FUTURE WATER RIGHTS IN THE GREEN-DUWAMISH RIVER BASIN (in Cubic Feet per Second)

Month	Day	12.1130.00 Normal Year Green River Near Auburn	12.1067.00 Normal Year Green River Near Palmer	12.1067.00 Critical Year Green River Near Palmer
Jan.	1	650	300	300
	15	650	300	300
Feb.	1	650	300	300
	15	650	300	300
Mar.	1	650	300	300
	15	650	300	300
Apr.	1	650	300	300
	15	650	300	300
May	1	650	300	300
	15	650	300	300
June	1	650	300	300
	15	650	300	210
July	1	550	300	150
	15	300	150	150
Aug.	1	300	150	150
	15	300	150	150
Sept.	1	300	150	150
	15	300	150	150
Oct.	1	300	190	150
	15	350	240	150
Nov.	1	550	300	190
	15	550	300	240
Dec.	1	650	300	300
	15	650	300	300

(a) Future water right holders subject to regulation by the Palmer gage will not be allowed to continue diversions when flows fall below the normal year instream flows at the Palmer gage unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and ((game)) wildlife, a reduction in instream flows during a critical condition period. At no time will diversions subject to regulation by the Palmer gage be continued when flows fall below the critical year instream flows at Palmer. At no time will diversions subject to regulation by the Auburn gage be continued when flows fall below the normal year instream flows at Auburn. When a declaration of overriding considerations of public interest is made by the director, these requirements may be modified or waived. A declaration of overriding consideration because of drought conditions shall not be made when natural flows equal or exceed the one-in-fifty year low flow condition. The director shall consult with the directors of the state departments of ((game)) wildlife and fisheries before making a declaration of overriding consideration. Any declaration of critical conditions or overriding considerations of public interest made by the director shall be communicated to all basin resource agencies, water purveyors, and local general purpose governments, and include the reason for such declaration and its expected duration.

(b) The director will consider declaring a critical period when:
 (1) In the spring the basin runoff volume forecast of May 1 is not adequate to meet the sum of any rights which the city of Tacoma may have established through historical usage prior to the adoption of this regulation plus the normal year instream flows plus the volume required to replenish the conservation storage.
 (2) In the summer and fall the sum of the reservoir inflows extrapolated from current observations plus the volume of water in storage at Howard A. Hanson Dam is not adequate to meet the sum of any rights which the city of Tacoma may have established through historical usage prior to the adoption of this regulation plus the normal year instream flows. Within five days the director will inform the major affected water right holders of the extent of the allowed deviation from the normal year instream flows. Once a deviation from normal year instream flows is allowed, the water resources shall be evaluated at least every 7 days to see if additional deviation is warranted. Before

allowing deviation from the normal year instream flows, water conservation practices and use of other sources shall be considered.

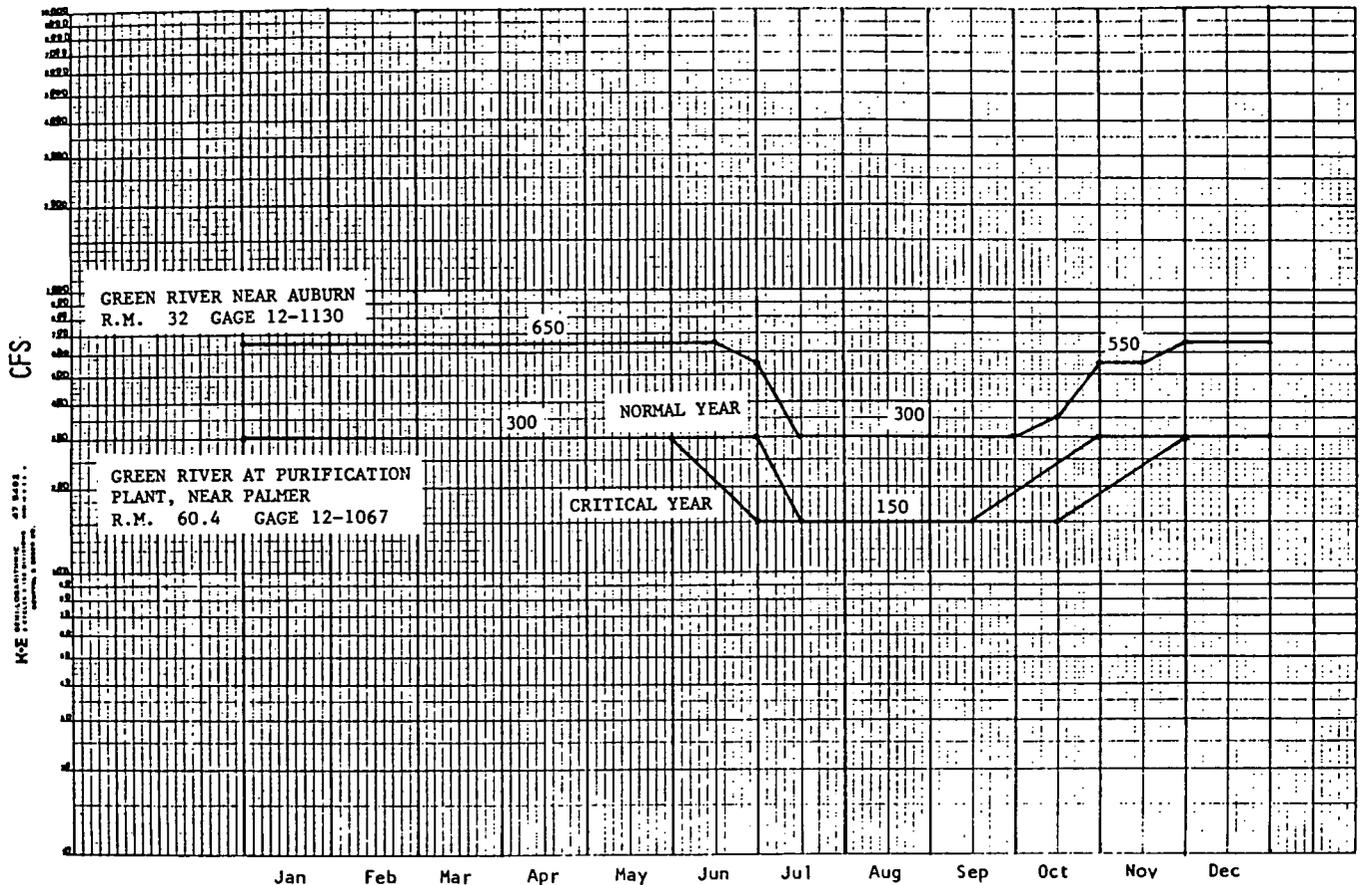
(c) In addition to other necessary provisions, any diversion of the natural flow, including diversion to storage under future water rights shall cease (or be regulated to the extent necessary) when the flow at the applicable control station falls below (or is less than) the instream flows established by this regulation and made a condition of said future water right. Said future water rights are subject to the rights and authority of the Corps of Engineers to utilize for storage and conservation flows, the natural inflow to the Howard A. Hanson reservoir and to all other prior water right holders' authorized use of natural flows, including any rights that the city of Tacoma may have established

through historical usage. The use of stored waters is not to be impaired, limited, or diminished by this regulation.

The department recognizes that from time to time the Corps of Engineers may establish a minimum reservoir level which is necessary to provide conservation flows with a high measure of assurance. When the reservoir falls below this level it may be necessary for the Corps of Engineers to replenish conservation storage. When this occurs, water rights subject to the provisions of this chapter may be temporarily regulated or diminished and the actual stream discharge diminished.

- (3) Instream flows, as represented in Figure 1, shall be used for definition of instream flows on those days not specifically identified in WAC 173-509-030(2).

FIGURE 1 - PROPOSED INSTREAM FLOWS FOR FUTURE WATER RIGHTS IN THE GREEN-DUWAMISH RIVER BASIN



(4) All consumptive water rights hereafter established shall be expressly subject to the instream flows established in WAC 173-509-030(1) through (3). However, nothing in this section shall prohibit the release or diversion of stored water or the use of any water course as a means for its conveyance in accordance with RCW 90.03.030.

AMENDATORY SECTION (Amending Order DE 79-32, filed 6/6/80)

WAC 173-509-080 ENFORCEMENT. In the enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-509-085 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 79-32, filed 6/6/80)

WAC 173-509-090 REGULATION REVIEW. ((The rules in this chapter shall be reviewed by the department of ecology at least once in every five year period.)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions. The director shall initiate a review of the rules by appointing a committee of major affected water right holders, basin resource management interests, and governmental agencies.

AMENDATORY SECTION (Amending Order DE 79-31, filed 3/21/80)

WAC 173-510-030 ESTABLISHMENT OF INSTREAM FLOWS. (1) Stream management units and associated control stations are established as follows:

Stream Management Unit Information

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township, and Range	Affected Stream Reach(es)
12-0965.00 Upper Puyallup River	12.2 25-20-4E	Confluence with Puyallup River to the headwaters including all tributaries
12-0957.00 Carbon River	0.1 13-19-4E	From the confluence with the White River to the headwaters including all tributaries, excluding the Carbon River.
12-1015.00 Lower Puyallup River	6.6 20-20N-R4E	From the influence of mean annual high tide at low base flow levels to the confluence with the White River including all tributaries and excluding the White River.

(2) Instream flows are established for the stream management units in WAC 173-510-030(1) as follows:

Instream Flows in the Puyallup River Basin

(in cubic feet per second)

Month	Day	12-0965.00 Puyallup River (At Alderton)	12-1015.00 Puyallup River	12-0957.00 Carbon River
Jan	1	700	1400	600
	15	700	1400	550
Feb	1	750	1400	550
	15	800	1500	550
Mar	1	800	1600	550
	15	850	1700	550
Apr	1	900	1800	600
	15	950	1900	700
May	1	950	2000	900
	15	1000	2000	900
Jun	1	1050	2000	600
	15	1050	2000	500
Jul	1	1050	2000	450
	15	1050	1750	400
Aug	1	900	1500	350
	15	800	1300	350
Sep	1	600	1150	350
	15	500	1000	350
Oct	1	500	1000	350
	15	500	1000	550
Nov	1	600	1000	550
	15	700	1100	600
Dec	1	700	1200	700
	15	700	1300	700

(3) Instream flow hydrographs, as represented in the document entitled "Puyallup River basin instream resource protection program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-510-030(2).

(4) All consumptive water rights hereafter established shall be expressly, subject to instream flows established in WAC 173-510-030(1) through (3).

(5) At such time as the department of fisheries and/or department of ((game)) wildlife and the department of ecology shall agree that additional stream management units should be identified other than those specified in WAC 173-510-030(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall further protect instream flows where possible for those stations as provided in chapters 90.22 and 90.54 RCW.

AMENDATORY SECTION (Amending Order DE 79-31, filed 3/21/80)

WAC 173-510-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the

issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-510-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 79-31, filed 3/21/80)

WAC 173-510-100 REGULATION REVIEW. ((The rules in this chapter shall be reviewed by the department of ecology at least once in every five years.)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 80-42, filed 2/2/81)

WAC 173-511-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-511-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 80-42, filed 2/2/81)

WAC 173-511-100 REGULATION REVIEW. ((The rules in this chapter shall be reviewed by the department of ecology at least once in every four years. In addition, the department may review this regulation whenever requested by private, public, state, and federal agencies.)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order 79-23, filed 12/12/79)

WAC 173-512-070 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-512-075 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order 79-23, filed 12/12/79)

WAC 173-512-080 REGULATION REVIEW. ((The rules in this chapter shall be reviewed by the department of ecology at least once in every five year period.)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 80-11, filed 6/24/80)

WAC 173-513-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-513-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 80-11, filed 6/24/80)

WAC 173-513-100 REGULATION REVIEW. (~~The rules in this chapter shall be reviewed by the department of ecology at least once in every five years.~~) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 83-34, filed 1/23/84)

WAC 173-514-080 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-514-085 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 83-34, filed 1/23/84)

WAC 173-514-090 REGULATION REVIEW. (~~Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption.~~) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 80-45, filed 7/24/81)

WAC 173-515-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-515-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 80-45, filed 7/24/81)

WAC 173-515-100 REGULATION REVIEW. (~~The rules in this chapter shall be reviewed by the department of ecology at least once in every five year period.~~) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order 75-31, filed 3/10/76)

WAC 173-522-020 ESTABLISHMENT OF BASE FLOWS. (1) Base flows are established for stream management units with monitoring to take place at certain control stations as follows:

STREAM MANAGEMENT UNIT INFORMATION

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.0200.00 Chehalis River Conf. w/Elk Creek	101.8 14-13-5W	From confluence with Elk Creek to headwaters except Elk Cr.
12.0205.00 Elk Creek	2.5 18-13-5W	From confluence with Chehalis River to headwaters.
12.0216.30 So. Fork Chehalis R.	0.3 24-13-4W	From mouth to headwaters.
12.0235.00 Chehalis River	77.6 2-13-3W	From confluence with Newaukum River to confluence with Elk Cr., excluding Elk Creek, and Newaukum Rivers.
12.0240.00 S. Fork Newaukum R.	22.8 28-13-1E	From confluence with Lost Creek to headwaters, excluding Lost Creek.
12.0245.00 N. Fork Newaukum River	6.6 35-14-1W	From mouth to headwaters.
12.0250.00 Newaukum River	4.1 9-13-2W	From mouth to confluence with Lost Cr. on S. Fork Newaukum River, excluding N. Fork Newaukum River.
12.0253.00 Salzer Creek	3.8 22-14-2W	From mouth to headwaters.
12.0264.00 Skookumchuck River	6.4 12-15-2W	From mouth to headwaters.
12.0275.00 Chehalis River at Grand Mound	59.9 22-15-3W	From confluence with Newaukum River to confluence with Prairie Creek.
12.0292.00 Black River	4.1 33-16-4W	From mouth to headwaters.
12.0305.00 Cedar Creek	1.1 14-16-5W	From mouth to headwaters.
12.0309.00 Porter Creek	1.3 22-17-5W	From mouth to headwaters.
12.0310.00 Chehalis River at Porter	33.3 28-17-5W	From confluence with Prairie Creek near Grand Mound to confluence with Porter Creek including Prairie Creek.
12.0325.00 Cloquallum Creek	1.9 36-18-6W	From mouth to headwaters.
12.0342.00 East Fk. Satsop R.	15.9 15-19-6W	From confluence with Dry Run Cr. to headwaters excluding Dry Run Cr.
12.0343.00 Decker Creek	0.3 31-19-6W	From mouth to headwaters.
12.0345.00 Middle Fk. Satsop R.	0.4 36-19-7W	From mouth to headwaters.
12.0350.00 Satsop River	2.3 36-18-7W	From mouth to confluence with Dry Run Cr. on East Fk. Satsop R.

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.0350.02 Chehalis R. below confl. w/Satsop R.	20.0 7-17-6W	From confluence with Porter Ck. to just below confl. with Satsop River.
12.0374.00 Wynoochee River	5.9 27-18-8W	From mouth to headwaters.
12.0380.00 Wishkah River	16.2 22-19-9W	From influence of mean annual high tide at low base flow levels to headwaters. Excluding E. Fk. Wishkah River.
12.0382.90 E. Fk., Wishkah R.	0.9 36-19-9W	From mouth to headwaters.
12.0385.00 W. Fk. Hoquiam River	9.4 14-18-10W	From mouth to headwaters.
12.0385.80 Middle Fk. Hoquiam R.	1.6 4-18-10W	From mouth to headwaters.
12.0386.60 East Fork Hoquiam	7.1 8-18-9W	From mouth to headwaters.
12.0390.00 Hump Tulips River	24.8 17-20-10W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0174.00 Elk River	3.0 3-16-11W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0175.00 Johns River	6.0 21-16-10W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0180.00 Newskah Creek	3.5 32-17-9W	From influence of mean annual high tide at low base flow levels to headwaters.
12.0185.00 Charley Creek	2.0 21-17-9W	From influence of mean annual high tide at low base flow levels to headwaters.

(2) Base flows established for the stream management units in WAC 173-522-020(1) are as follows:

BASE FLOWS IN THE CHEHALIS RIVER BASIN
(In Cubic Feet per Second)

Month	Day	12.0200.00 Chehalis R. nr. Elk Cr.	12.0205.00 Elk Cr.	12.0216.30 So. Fk. Chehalis R.	12.0235.00 Chehalis R.
Jan.	1	260	100	200	700
	15	260	100	200	700
Feb.	1	260	100	200	700
	15	260	100	200	700
Mar.	1	260	100	200	700
	15	260	100	200	700
Apr.	1	260	100	200	700
	15	260	100	200	700
May	1	195	76	145	525
	15	146	57	105	400
June	1	108	43	75	300
	15	82	32	55	230
July	1	62	25	40	175
	15	46	19	29	130
Aug.	1	37	16	21	98
	15	31	14	15	75
Sep.	1	31	14	15	75
	15	31	14	15	75
Oct.	1	39	15	21	92
	15	49	17	28	115

Month	Day	12.0200.00 Chehalis R. nr. Elk Cr.	12.0205.00 Elk Cr.	12.0216.30 So. Fk. Chehalis R.	12.0235.00 Chehalis R.
Nov.	1	88	31	56	215
	15	150	56	105	390
Dec.	1	260	100	200	700
	15	260	100	200	700

Month	Day	12.0240.00 Newaukum R. S. Fork	12.0245.00 Newaukum R. N. Fork	12.0250.00 Newaukum R.	12.0253.00 Saizer Cr.
Jan.	1	125	62	250	11
	15	125	62	250	11
Feb.	1	125	62	250	11
	15	125	62	250	11
Mar.	1	125	62	250	11
	15	125	62	250	11
Apr.	1	125	62	250	11
	15	125	62	250	11
May	1	110	47	210	5.8
	15	88	36	160	2.8
June	1	70	27	118	1.4
	15	56	21	90	.73
July	1	45	16	68	.38
	15	36	12	52	.20
Aug.	1	29	9	38	.10
	15	27	7	35	.05
Sep.	1	27	7	35	.05
	15	27	7	35	.05
Oct.	1	33	8.4	43	.14
	15	40	10	54	.40
Nov.	1	58	19	91	1.35
	15	85	34	150	3.9
Dec.	1	125	62	250	11
	15	125	62	250	11

Month	Day	12.0264.00 Skookumchuck River	12.0275.00 Chehalis R. at Grand M.	12.0292.00 Black R.	12.0305.00 Cedar Cr.
Jan.	1	160	1300	200	90
	15	160	1300	200	90
Feb.	1	160	1300	200	90
	15	160	1300	200	90
Mar.	1	160	1300	200	90
	15	160	1300	200	90
Apr.	1	160	1300	200	90
	15	160	1300	200	90
May	1	160	1000	170	70
	15	130	780	145	54
June	1	103	600	120	40
	15	83	460	104	31
July	1	67	355	88	24
	15	54	275	75	19
Aug.	1	43	210	70	14
	15	35	165	66	11
Sep.	1	35	165	66	11
	15	35	165	66	11
Oct.	1	35	200	68	13.8
	15	35	250	70	17
Nov.	1	59	440	100	30
	15	96	760	140	52
Dec.	1	160	1300	200	90
	15	160	1300	200	90

Month	Day	12.0309.00 Porter Cr.	12.0310.00 Chehalis R. at Porter	12.0325.00 Cloquallum Creek	12.0342.00 Satsop R. E. Fork
Jan.	1	90	2500	150	280
	15	90	2500	150	280
Feb.	1	90	2500	150	280
	15	90	2500	150	280
Mar.	1	90	2500	150	280
	15	90	2500	150	280
Apr.	1	90	2500	150	280
	15	90	2500	150	280
May	1	56	1900	118	240
	15	35	1420	92	210

Month	Day	12.0309.00 Porter Cr.	12.0310.00 Chehalis R. at Porter	12.0325.00 Cloquallum Creek	12.0342.00 Satsop R. E. Fork
June	1	29	1060	70	175
	15	24	800	55	152
July	1	21	610	43	130
	15	17	460	34	112
Aug.	1	14.2	340	29	104
	15	12	260	24	95
Sep.	1	12	260	24	86
	15	12	260	24	80
Oct.	1	13.3	320	27	80
	15	15	400	30	80
Nov.	1	28	760	52	125
	15	50	1380	88	185
Dec.	1	90	2500	150	280
	15	90	2500	150	280

Month	Day	12.0343.00 Decker Cr.	12.0345.00 Satsop R. M. Fork	12.0350.00 Satsop R. nr.	12.0350.02 Chehalis R. Satsop
Jan.	1	130	260	1100	3800
	15	130	260	1100	3800
Feb.	1	130	260	1100	3800
	15	130	260	1100	3800
Mar.	1	130	260	1100	3800
	15	130	260	1100	3800
Apr.	1	130	260	1100	3800
	15	130	260	1100	3800
May	1	115	203	910	2910
	15	103	160	750	2300
June	1	91	125	600	1750
	15	81	98	500	1360
July	1	72	78	425	1085
	15	64	61	360	860
Aug.	1	56	48	300	680
	15	50	38	260	550
Sep.	1	50	38	260	550
	15	50	38	260	550
Oct.	1	54	41	280	640
	15	58	45	300	750
Nov.	1	77	83	475	1305
	15	100	145	720	2220
Dec.	1	130	260	1100	3800
	15	130	260	1100	3800

Month	Day	12-0374.00 Wynoochee River	12-0380.00 Wishkah R.	12-0382.90 Wishkah R. E. Fk.	12-0385.00 Hoquiam R. W. Fk.
Jan.	1	560	135	33	32
	15	560	135	33	32
Feb.	1	560	135	33	32
	15	560	135	33	32
Mar.	1	560	135	33	32
	15	560	135	33	32
Apr.	1	560	135	33	32
	15	560	135	33	32
May	1	560	135	33	32
	15	560	113	27	26
June	1	450	95	21	20
	15	360	80	17	16
July	1	290	68	14	12.8
	15	230	57	11.3	10
Aug.	1	185	47	9	8
	15	150	47	9	8
Sep.	1	150	47	9	8
	15	150	47	9	8
Oct.	1	150	53	10.4	9.4
	15	230	60	12	11
Nov.	1	360	91	20	19
	15	560	135	33	32
Dec.	1	560	135	33	32
	15	560	135	33	32

Month	Day	12-0385.80 Hoquiam R. M. Fk.	12-0386.60 Hoquiam R. E. Fk.	12-0390.00 Humptulips River	12-0174.00 Elk River
Jan.	1	27	44	600	50
	15	27	44	600	50
Feb.	1	27	44	600	50
	15	27	44	600	50
Mar.	1	27	44	600	50
	15	27	44	600	50
Apr.	1	27	44	600	50
	15	27	44	600	50
May	1	27	44	600	43
	15	21	38	500	37
June	1	16	33	400	31
	15	12.2	29	325	26
July	1	9.5	25	265	22
	15	7.4	22	215	19
Aug.	1	5.6	19	170	16
	15	5.6	19	170	16
Sep.	1	5.6	19	170	16
	15	5.6	19	170	16
Oct.	1	6.7	19	205	20
	15	8.0	25	250	25
Nov.	1	15	34	390	32
	15	27	44	600	40
Dec.	1	27	44	600	50
	15	27	44	600	50

Month	Day	12-0175.00 Johns River	12-0180.00 Newskah Creek	12-0185.00 Charley Creek
Jan.	1	70	17	14
	15	70	17	14
Feb.	1	70	17	14
	15	70	17	14
Mar.	1	70	17	14
	15	70	17	14
Apr.	1	70	17	14
	15	50	17	14
May	1	50	13.4	11
	15	42	10.7	8.6
June	1	35	8.3	6.7
	15	29	6.5	5.4
July	1	24	5.2	4.2
	15	21	4.1	3.3
Aug.	1	17	3.2	2.5
	15	17	2.5	2
Sep.	1	17	2.5	2
	15	17	2.5	2
Oct.	1	17	3.2	2.6
	15	24	4	3.5
Nov.	1	35	8.4	7.1
	15	49	17	14
Dec.	1	70	17	14
	15	70	17	14

(3) Base flow hydrographs, Appendix 1, pages 19-23 in the document entitled "water resources management program in the Chehalis River basin" dated November, 1975 shall be used for definition of base flows on those days not specifically identified in WAC 173-522-020(2).

(4) All rights hereafter established shall be expressly subject to the base flows established in WAC 173-522-020 (1) through (3).

(5) At such time as the departments of fisheries and/or ((game)) wildlife provide specific information substantiating the need for flows higher than the flows set forth in WAC 173-522-020(2), the department of ecology agrees to proceed with setting minimum flows as provided under chapter 90.22 RCW within one year from the time of said request, unless agreement to another time frame is reached between parties.

NEW SECTION

WAC 173-522-070 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-522-080 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-522-090 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-530-910 AUTHORITY.
- WAC 173-530-920 PURPOSE.
- WAC 173-530-930 DEFINITIONS.
- WAC 173-530-940 DECLARATION OF WITHDRAWAL.
- WAC 173-530-950 EXISTING RIGHTS NOT AFFECTED.
- WAC 173-530-960 EXEMPTIONS.

NEW SECTION

WAC 173-130A-215 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-130A-217 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 82-27, filed 8/4/82)

WAC 173-130A-220 REGULATION REVIEW. The department ~~((may review these regulations whenever requested or by action initiated by the department))~~ of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-531A-080 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-531A-090 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-532-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-532-100 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and

related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-532-110 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 83-10, filed 6/1/83)

WAC 173-134A-150 REGULATION REVIEW. ~~((The rules in this chapter shall be reviewed by the department at least once in every five years:))~~ The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-134A-165 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

AMENDATORY SECTION (Amending Order DE 83-10, filed 6/1/83)

WAC 173-134A-170 APPEALS ~~((TO POLLUTION CONTROL HEARINGS BOARD))~~. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions, made pursuant to this chapter shall be subject to review by the pollution control hearings board ~~((under))~~ in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 83-8, filed 6/3/83)

WAC 173-545-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ~~((43-83B-335))~~ 90.03.600.

NEW SECTION

WAC 173-545-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 83-8, filed 6/3/83)

WAC 173-545-100 REGULATION REVIEW. ~~((Review of the rules in this chapter shall be initiated by the department of ecology within five years of the date of adoption:))~~ The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-548-080 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-548-090 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and

related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-548-100 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 84-15, filed 6/20/84)

WAC 173-549-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-549-095 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE 84-15, filed 6/20/84)

WAC 173-549-100 REGULATION REVIEW. ((This chapter shall be reviewed by the department of ecology at least once in every five-year period.)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-550-080 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-555-090 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-555-100 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-559-080 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 173-559-090 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 173-559-100 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Orders DE 82-35 and DE 82-35A, filed 10/7/82 and 10/8/82)

WAC 173-563-050 CRITICAL FLOW ADJUSTMENT TO, AND WAIVERS OF, MINIMUM INSTANTANEOUS AND AVERAGE WEEKLY FLOWS. (1) The director of the department of ecology, when he deems it to be an overriding public interest requirement, may reduce the minimum instantaneous and/or average weekly flows for the Columbia River established in this chapter up to twenty-five percent during low flow years, except that in no case shall the outflow from Priest Rapids be less than 36,000 cfs. The amount of the reduction (from zero to twenty-five percent) shall be: (a) Based on the March 1 forecast for April through September runoff at The Dalles, Oregon, as published by the National Weather Service in Water Supply Outlook for the Western United States, and (b) determined from Figure 1 in WAC 173-563-900.

(2) Prior to implementing the critical flow adjustment to minimum flows in a low water year, the department of ecology shall conduct a public hearing to announce its intentions and to solicit public and agency comment on the proposed action.

(3) The department has determined that some damage to instream values may be incurred at flow values equivalent to eighty-eight million acre-feet or less. Therefore, the reduced flows shall be referred to as critical flows and shall be authorized by the director of the department of ecology under the critical flow adjustment only when the March 1 forecast of April through September flow at The Dalles is below eighty-eight million acre-feet (MAF). The critical flows shall, in no case, provide less than 39.4 MAF (seventy-five percent of 52.5 MAF for the April through September period).

(4) The director of the department of ecology may waive the state's minimum flow requirements delineated in this chapter for a defined period of time for the purpose of studying the impacts of various flow levels on the river system and its operation when such studies are to be conducted in consultation with the Washington departments of fisheries and/or ((game)) wildlife and when said exemption is requested by the departments of fisheries and/or ((game)) wildlife. Such a request shall be made by letter to the director of the department of ecology. This waiver may include the Federal Energy Regulatory Commission studies to be conducted under Docket No. E-9569 and any operational change which does not allow the flows under this chapter to be met, but which, in the opinion of the director, still provides a commensurate level of protection for instream resources.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-070 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under the authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW ((43-83B-335)) 90.03.600.

NEW SECTION

WAC 173-563-075 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Orders DE 82-35 and DE 82-35A, filed 10/7/82 and 10/8/82)

WAC 173-563-080 OVERRIDING CONSIDERATIONS. Future authorizations for the use of water which would conflict with the provisions of this chapter shall be authorized by the director only in those situations when it is clear that overriding considerations of the public interest will be served. Such decisions shall be made in consultation with the directors of the Washington state department of fisheries, the Washington state department of ((game)) wildlife, the Washington state department of agriculture, and the Washington state ((department of natural resources)) commissioner of public lands.

Consideration of the public interest by the director of the department of ecology shall include an evaluation of all uses of the river and its impact on the state of Washington. The uses to be considered include, but are not limited to, uses of water for domestic, stockwatering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, thermal power production, and preservation of environmental and aesthetic values and all other uses compatible with the enjoyment of the public waters of the state.

AMENDATORY SECTION (Amending Order DE 80-2, filed 6/24/80)

WAC 173-563-090 REGULATION REVIEW. ~~((This chapter shall be reviewed by the department of ecology at least once in every five year period.))~~ The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 81-5, filed 3/13/81)

WAC 173-164-050 DETERMINATION OF RATE. Each irrigation season, the director shall determine the rate of payment per acre-foot of water per project, based on recovery of capital costs, type of crop, and ability to repay. For the ~~((1981))~~ 1981 irrigation season, the director has determined that the rate of charge for water from the irrigation well located in the NW 1/4, SE 1/4, Sec. 6, T9N, R25E, shall be ~~((forty-five))~~ forty-five dollars per acre-foot of water. An additional charge for water delivered under pressure based on the vertical distance (discharge head) from pump to point of discharge will be in accordance with the following rate table:

ADDITIONAL COST PER ACRE FOOT AT GIVEN DISCHARGE HEADS

Discharge Head from Pump (feet)	Price per Acre-foot
0 to 10	\$.70
10 to 20	1.51
20 to 30	2.18
30 to 40	2.95
40 to 50	3.67
50 to 60	4.90
60 to 70	5.15
70 to 80	5.93
80 to 90	6.63
90 to 100	7.35
100 to 110	8.10
110 to 120	8.84
120 to 130	9.58
130 to 140	10.32
140 to 150	11.06

NEW SECTION

WAC 173-164-080 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 75-32, filed 3/10/76)

WAC 173-590-090 NOTICE. Upon receipt of a proper petition, the director shall publish notice thereof in a newspaper or newspapers of general circulation in the county or counties in which the storage, diversion, and use is to be made, once a week for two consecutive weeks.

The director shall send notice thereof to the secretary, department of social and health services, and to the directors of the departments of fisheries and ~~((game))~~ wildlife for the purpose of soliciting their comments.

AMENDATORY SECTION (Amending Order DE 75-32, filed 3/10/76)

WAC 173-590-110 RESERVATION. Upon review of a petition for reservation, related data and the results from the departmental investigation, the director shall notify the petitioner of action pertaining to the petition, ~~((to))~~ to withdraw affected waters under RCW 90.54.050(2), or to reserve water(s). If reservation is deemed appropriate, the director shall take action to adopt a regulation or amend an existing regulation established pursuant to chapter 173-500 WAC to reserve water for a future public water supply for the general geographic area described in the petition or for a general area the director determines appropriate. (RCW 90.54.050 mandates the department to conduct a public hearing, prior to adoption of a rule to withdraw or to reserve in each county in which waters relating to the rule are located.)

The amount of the reservation shall be determined by the director and may be more or less than the amount requested in the petition. The total reservation amount may be prorated to specific subareas of service in the proposed development area. Appropriate map may be appended to regulation.

AMENDATORY SECTION (Amending Order DE 75-32, filed 3/10/76)

WAC 173-590-140 RESERVATION SUBJECT TO REVIEW AND CHANGE. From time to time, any reservation established under this chapter shall be reviewed and, when it appears appropriate to the department in implementing RCW 90.54.050, modified. No change shall be made without consultation of interested parties. The water resource program and the coordinated water system plan shall be reviewed ~~((, and changed as necessary, at least once every ten years))~~ whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE 75-32, filed 3/10/76)

WAC 173-590-180 APPEAL. The procedures hereof relate solely to rule-making activity of the department and are designed to obtain information to assist the department in determining when waters should be reserved as provided in RCW 90.54.050. Actions conducted under this chapter do not relate to contested cases within the meaning of the Administrative Procedure Act, chapter 34.04 RCW.

~~((Regulations establishing reservations adopted hereunder shall be subject to review as provided in RCW 34.04.070 and 34.04.080.))~~

NEW SECTION

WAC 173-590-190 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE-86-16, filed 7/14/86)

WAC 173-591-060 PETITION RECEIVED—NOTICE. A petition requesting the reservation of ground waters in Thurston County pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Thurston County for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, ~~((game))~~ wildlife, and social and health services for the purpose of soliciting their comments.

AMENDATORY SECTION (Amending Order DE-86-16, filed 7/14/86)

WAC 173-591-070 RESERVATION. (1) The department, having received a final environmental impact statement dated January 16, 1985, and having conducted an investigation of the surrounding impacts of the proposed reservation and having heard comments solicited through the notice of receipt of petition and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the maximum net benefit for the people of the state, does hereby reserve portions of

those ground waters for future public water supplies in Thurston County.

(2) The department finds that to provide peaking capacity on a daily basis the appropriate amount of the reservation shall be 40,589 gallons per minute, limited to a maximum annual withdrawal of 22,931 acre-feet/year, provided that the total annual withdrawal and diversion from all sources shall not exceed 48,225 acre-feet/year. This is intended to serve the estimated population of 288,092 in fifty years. The amount of this reservation shall be reviewed by the department ((at least once every ten years to ensure that public water supplies are provided for the entire reservation period)) whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

(3) A map showing the reservation area boundary is shown in Figure II-1 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purposes of reserving water for future public water supply purposes, and shown as the reservation area boundary map in WAC 173-591-130, Illus. 1.

(4) Due to the nature of the geographic distribution of the ground waters to be reserved and the development patterns that are anticipated in Thurston County, the reserved ground waters are intended to be beneficially utilized from the unconsolidated materials overlying bedrock, and are prorated to the subareas designated in Figure V-1 of the coordinated water system plan for Thurston County, dated May 1982, as approved by the department of social and health services for the purpose of reserving water for future public water supply purposes, and shown as the reservation source of supply subareas map in WAC 173-591-130, Illus. 2. The reserved ground waters are generally prorated to the reservation source of supply subareas as follows, with the totaled reserved quantity to be obtained from within the boundary area.

Source Location	Reservation Quantities	
	Instantaneous (GPM)	Annual (Af/Yr)
Airport	2,500	1,486
Allison Springs	2,000	1,888
Black Lake	2,000	1,888
Deschutes Valley	1,969	1,170
Hawks Prairie	7,000	4,160
McAllister Springs	2,000	—
Mottman Indust. Park	2,000	1,888
Southeast	14,426	8,573
Total	40,589	22,931

(5) The priority date of any permit issued pursuant to RCW 90.03-.290 and 90.44.070 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(6) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters for each subarea identified in subsection (4) of this section and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.

(7) No permit issued as described in subsection (5) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

NEW SECTION

WAC 173-591-115 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

AMENDATORY SECTION (Amending Order DE-86-16, filed 7/14/86)

WAC 173-591-120 REGULATION REVIEW. ((This chapter shall be reviewed, and changed as necessary, at least once every ten years.)) The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DE-86-17, filed 7/14/86)

WAC 173-592-060 PETITION RECEIVED—NOTICE. A revised petition, dated August 12, 1985, requesting the reservation of ground waters in Clark County pursuant to chapter 173-590 WAC, and a coordinated water system plan approved by the secretary of the department of social and health services, dated March, 1983, were received and accepted by the department. Notice of the receipt of proper petition was published in a newspaper of general circulation in Clark County for two consecutive weeks, and the director sent notice thereof to the directors of the departments of fisheries, ~~((game))~~ wildlife, and social and health services for the purpose of soliciting their comments.

AMENDATORY SECTION (Amending Order DE-86-17, filed 7/14/86)

WAC 173-592-070 RESERVATION. (1) The department, having heard comments solicited through the notice of receipt of petition and having reviewed a final declaration of nonsignificance under the authority of WAC 197-11-340 (State Environmental Policy Act) and having found ground waters to be generally available for the purposes of the reservation and that the proposed use of the ground waters will result in the maximum net benefit for the people of the state, does hereby reserve portions of those ground waters for future public water supplies in Clark County.

(2) The department finds that the appropriate amount of the reservation shall be 97,000 gallons per minute and 65,300 acre-feet/year. This is intended to serve the estimated population of 629,200 in fifty years. The amount of this reservation shall be reviewed by the department in consultation with local government ((at least once every ten years to ensure that adequate public water supplies are provided for the entire reservation period)) whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

(3) A map showing the reservation source of supply boundaries is shown in Attachment 1A of the revised petition, dated August 12, 1985, requesting reservation of ground water in Clark County for future public water supplies. The map showing the reservation source of supply area boundary is incorporated in this regulation in WAC 173-592-120, Illus. 1.

(4) Waters reserved herein may be utilized within the geographical boundaries of Clark County consistent with the department of social and health services approved coordinated water system plan, dated March 1983.

(5) Due to the nature of the geographic distribution of the ground waters to be reserved in Clark County, the reserved ground waters are intended to be beneficially utilized from the following aquifers, as identified in Attachment 1A of the revised petition, dated August 12, 1985:

- 1A Columbia River Alluvium
- 1B-2B Upper Troutdale
- 1C Sandy River Mudstone

(6) The priority date of any permit issued pursuant to RCW 90.03-.290 and 90.44.060 which authorizes withdrawal and use of public water for public water supply pursuant to the reservation provided in subsection (2) of this section shall be the effective date of this regulation.

(7) A record of all ground water permits issued pursuant to the reservation provided in subsection (2) of this section shall be maintained by the department in a manner that will readily show the quantities that have been allocated from the reserved ground waters, and the quantities of unappropriated ground waters that may remain in the reserved status available for appropriation.

(8) No permit issued as described in subsection (6) of this section shall authorize a withdrawal that causes a lowering of the water levels below a reasonable or feasible pumping lift in any withdrawal facilities of a senior ground water right holder.

AMENDATORY SECTION (Amending Order DE-86-17, filed 7/14/86)

WAC 173-592-110 REGULATION REVIEW. ((This chapter shall be reviewed, and changed as necessary, at least once every ten years.)) The department of ecology shall initiate a review of the rules

established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

NEW SECTION

WAC 173-592-115 **APPEALS.** All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-596-010 **BACKGROUND.**
- WAC 173-596-015 **PURPOSE.**
- WAC 173-596-020 **DEFINITIONS.**
- WAC 173-596-025 **CONDITIONS TO BE INCLUDED IN PERMITS INVOLVING SUBSTANTIAL WITHDRAWALS OF PUBLIC WATERS.**
- WAC 173-596-030 **REGIONAL WATER SUPPLY AND MULTIPURPOSE PROJECT CONSIDERATIONS.**
- WAC 173-596-035 **PROCESSING OF APPLICATIONS.**
- WAC 173-596-040 **WATER RIGHT OF REGIONAL OR STATEWIDE SIGNIFICANCE.**
- WAC 173-596-045 **CONSERVATION AND MANAGEMENT PROGRAM.**
- WAC 173-596-050 **MONITORING PROGRAM.**
- WAC 173-596-055 **EFFECT ON EXISTING RIGHTS AND LAWS AND PUBLIC ENTITIES.**
- WAC 173-596-060 **ENVIRONMENTAL IMPACT STATEMENT.**
- WAC 173-596-065 **REVIEW OF REGULATORY ORDERS.**

AMENDATORY SECTION (Amending Rule 1, filed 3/23/60)

WAC 508-12-010 **REGULATION OF WATER RIGHT DIVERSIONS—PERSONNEL.** Regulation and control of waters according to rights thereto, shall be made through watermasters and stream patrolmen, or a staff member of the ~~((division of water resources))~~ department of ecology. Chapter 90.08 RCW and RCW 43.21.130.

AMENDATORY SECTION (Amending Rule 2, filed 3/23/60)

WAC 508-12-020 **REGULATION OF WATER RIGHT DIVERSIONS—REGULATION OF UNINCORPORATED PARTNERSHIP DITCHES.** Watermasters shall not attempt to regulate water beyond the points of diversion from the natural stream on unincorporated partnership ditches. Such regulations may be carried on by ditch patrolmen as outlined under RCW 90.28.130. When approved by the ~~((supervisor))~~ department of ecology and water users a district watermaster may serve as a stream or ditch patrolman.

AMENDATORY SECTION (Amending Rule 3, filed 3/23/60)

WAC 508-12-030 **REGULATION OF WATER RIGHT DIVERSIONS—CONTROLLING WORKS—MEASURING DEVICES.** Where controlling works or measuring devices are not installed or maintained to the satisfaction of the ~~((supervisor))~~ department of ecology, ~~((he shall give))~~ proper notice shall be given to the owner to install or repair such controlling works or measuring device. This notice shall allow not less than ten days time to make necessary repairs or installations. In the event the work outlined in the notice is not completed in the specified time, the diversion shall be closed to further flow of water, until such time as the notice has been fully complied with.

AMENDATORY SECTION (Amending Rule 5, filed 3/23/60)

WAC 508-12-050 **REGULATION OF WATER RIGHT DIVERSIONS—CLOSURE OF DIVERSIONS.** The watermaster or a representative of the ~~((division of water resources))~~ department of ecology, shall close such diversions for noncompliance ~~((upon))~~ by issuing an order ((of the supervisor)).

AMENDATORY SECTION (Amending Rule 6, filed 3/23/60)

WAC 508-12-060 **REGULATION OF WATER RIGHT DIVERSIONS—PENALTY FOR OPENING.** Any water user opening a diversion after it has been closed or posted, under the above rules, shall be guilty of a misdemeanor under chapter ~~((90.32))~~ 90.03 RCW.

AMENDATORY SECTION (Amending Rule 8, filed 3/23/60)

WAC 508-12-080 **DETERMINATION OF EXISTING RIGHTS TO THE USE OF WATER.** Upon the filing of a petition by one or more persons requesting the rights to the use of the waters of a stream or other source of water, the ~~((supervisor))~~ department of ecology shall conduct a reconnaissance survey for the purpose of determining whether or not the interests of the public can best be served by the adjudication of the individual rights thus involved. ~~(((in his discretion, the proceedings should be)))~~ an adjudication proceeding is instigated, ~~((he))~~ the department of ecology shall determine the description of lands to be included as well as the record ownerships. Each owner and interested party will be made a party to the proceedings and a lis pendens will be filed with the county auditor. (RCW 90.12.010 and 90.12.020.)

AMENDATORY SECTION (Amending Rule 10, filed 3/23/60)

WAC 508-12-100 **SURFACE WATER APPROPRIATION PROCEDURE—APPLICATIONS FOR PERMIT—FORMS.** Applications for permit to appropriate surface water shall be made on forms provided by the ~~((office of the supervisor of the division of water resources))~~ department of ecology. (Supplements paragraph 5, RCW 43.21.130.)

AMENDATORY SECTION (Amending Rule 11, filed 3/23/60)

WAC 508-12-110 **SURFACE WATER APPROPRIATION PROCEDURE—NUMBER OF APPLICATIONS.** It shall be the general rule that an application must be filed for each separate source of water. In special instances one application may cover more than one source of water such as, a group of springs in close relationship to each other and with no intervening property ownership; and, to divert from two or more streams whose confluence is upon lands of the applicant; and, where a common distribution system may be employed. The amount, point of diversion, and purpose of use from each source must be indicated in the application.

AMENDATORY SECTION (Amending Rule 12, filed 3/23/60)

WAC 508-12-120 **SURFACE WATER APPROPRIATION PROCEDURE—MAPS OR SKETCHES.** ~~((Three copies of maps or sketches))~~ A map must accompany the application showing source of supply, point of diversion, tie to a legal land corner, and general plan of the proposed development. If for irrigation, it must clearly show the lands to be irrigated. For small projects, maps or sketches prepared by the applicant on forms provided by this office will be acceptable if legible and accurate. For larger projects, maps on any reasonable scale prepared by engineers in planning the project may be required. (Supplemental to RCW 90.20.020.)

AMENDATORY SECTION (Amending Rule 15, filed 3/23/60)

WAC 508-12-150 **SURFACE WATER APPROPRIATION PROCEDURE—AFFIDAVIT OF PUBLICATION OF NOTICE.** An affidavit of publication of the notice of water right application executed by the publisher must be filed with the ~~((supervisor))~~ department of ecology as proof of due notice to the public. (RCW 90.20.040.)

AMENDATORY SECTION (Amending Rule 16, filed 3/23/60)

WAC 508-12-160 **SURFACE WATER APPROPRIATION PROCEDURE—NO ACTION ON PERMITS ALLOWABLE PRIOR TO 30 DAYS AFTER LAST PUBLICATION.** No action shall be taken toward issuance of a permit or granting a petition for change in point of diversion, purpose or place of use until 30 days after date of last publication of notice as provided in RCW ~~((90.20.040))~~ 90.03.280 and ~~((90.28.090))~~ 90.03.380. In all instances, RCW ~~((90.04.040(12)))~~ 90.03.470(12) shall apply.

AMENDATORY SECTION (Amending Rule 17, filed 3/23/60)

WAC 508-12-170 SURFACE WATER APPROPRIATION PROCEDURE—PROTESTS OR OBJECTIONS. (1) Protests or objections to granting a permit or petition for change must be submitted within the prescribed 30 day period and must include a statement of the basis for said objections.

(2) All protests or objections will be thoroughly investigated by ~~((a representative of this office and the supervisor, at his discretion, may hold a hearing if deemed in the public interest to do so; at which hearing the administrative rules for procedure on hearings as adopted by the department of conservation shall govern))~~ the department of ecology which may hold a meeting among the parties for fact-finding purposes.

AMENDATORY SECTION (Amending Rule 18, filed 3/23/60)

WAC 508-12-180 SURFACE WATER APPROPRIATION PROCEDURE—AMENDMENTS OR TRANSFERS. Applications for amendments or transfers shall be made on forms provided by the ~~((supervisor of water resources))~~ department of ecology. (Supplements RCW 90.28.090.)

AMENDATORY SECTION (Amending Rule 19, filed 3/23/60)

WAC 508-12-190 SURFACE WATER APPROPRIATION PROCEDURE—AMENDMENTS AS TO SOURCE, QUANTITY, ETC. (1) In the event an applicant or permittee should desire to amend the terms of his application or permit regarding source, quantity, point of diversion, purpose, or place of use, the procedure shall be as outlined in RCW ~~((90.28.090))~~ 90.03.380 excepting that no certificate of change will issue but the amendments shall be incorporated in the terms of the permit.

(2) Amendment of a permit may be made without affecting priority, only after full consideration of the proposed changes in accordance with the provisions outlined in RCW 90.20.060.

AMENDATORY SECTION (Amending Rule 20, filed 3/23/60)

WAC 508-12-200 SURFACE WATER APPROPRIATION PROCEDURE—DIVISION OF LAND OWNERSHIP BEFORE CERTIFICATE ISSUED. Where a permit has been issued to a person and the land to which the water right is to become appurtenant has been divided before the issuance of a water right certificate, separate certificates may be issued to each holder of land with the proper share of the water allotted, providing assignments of each share are recorded ~~((in this office))~~ with the department of ecology. (Supplements RCW 90.20.100.)

AMENDATORY SECTION (Amending Rule 21, filed 3/23/60)

WAC 508-12-210 SURFACE WATER APPROPRIATION PROCEDURE—SEASONAL PERMITS. Seasonal permits for change of point of diversion, purpose and/or place of use of water, shall be in writing and signed by the ~~((supervisor or one of his duly authorized deputies))~~ director of the department of ecology or a duly authorized representative. (RCW 90.28.100.)

AMENDATORY SECTION (Amending Rule 22, filed 3/23/60)

WAC 508-12-220 GROUND WATER APPROPRIATION PROCEDURE—APPLICABILITY OF FOREGOING RULES. The general application of rules numbered WAC ~~((134-12-090))~~ 508-12-080 through ~~((134-12-210))~~ 508-12-210 inclusive on surface water applications, shall also apply to the ground water appropriation procedure.

AMENDATORY SECTION (Amending Rule 24, filed 3/23/60)

WAC 508-12-240 GROUND WATER APPROPRIATION PROCEDURE—WHERE PROPOSED CONSTRUCTION IS NEAR SURFACE WATER SUPPLY. Where a proposed well is to be constructed near a lake, stream, or spring, which is heavily or fully appropriated, the ~~((supervisor))~~ department of ecology may specify a minimum distance between the well location and the surface water supply, or, require that the well casing be installed in such a manner as to insure a break in hydraulic continuity between the well and the shallow ground waters contributing to the surface water supply.

AMENDATORY SECTION (Amending Rule 25, filed 3/23/60)

WAC 508-12-250 GROUND WATER APPROPRIATION PROCEDURE—WHERE WELLS PENETRATE ARTESIAN WATER ZONES. Wells penetrating artesian water zones: RCW 90.44.070.

(1) Wells taking water from artesian zones shall contain water-tight casings from the ground surface down through and properly sealed into the confining layer.

(2) Issuance of permits to take water from an artesian zone shall not be stopped when existing wells penetrating said artesian zone no longer flow at ground surface; rather, a reasonable seasonal lowering of the water table will be permissible to more fully utilize the reservoir capacity of the aquifer.

(3) Where the waste of water through improperly constructed wells has been found and wasting of said water is depriving others of water to which they are entitled, or causing an unreasonable drop in the water table, or threatens permanent damage to the aquifer, the ~~((supervisor))~~ department of ecology shall direct the owner to make necessary repairs to correct the situation. (RCW 90.44.120.)

AMENDATORY SECTION (Amending Rule 28, filed 3/23/60)

WAC 508-12-280 STORAGE DAMS—CONSTRUCTION PERMIT. RCW ~~((90.28.060))~~ 90.03.350 provides that any person intending to construct a dam or controlling works for the storage of 10 acre-feet or more of water shall, before beginning construction, submit plans and specifications thereof to the ~~((supervisor))~~ department of ecology and secure his approval as to its safety.

The plans and specifications must be prepared by a properly qualified professional engineer and carry his signature and seal. They must also be submitted in duplicate such that one copy is retained in this office and the other approved and returned to the applicant. No special plans will be required unless those submitted are found to be incomplete. The minimum fee for examination and approval of plans shall be \$10.00.

NEW SECTION

WAC 508-12-390 ENFORCEMENT. In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 508-12-400 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 508-12-410 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 508-12-070 REGULATION OF WATER RIGHT DIVERSIONS—OBJECTIONS TO REGULATIONS OR ORDERS—APPEALS.

NEW SECTION

WAC 508-14-040 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 508-14-050 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

AMENDATORY SECTION (Amending Order DWR 69-9, filed 11/6/69)

WAC 508-64-010 BACKGROUND AND PURPOSE OF REGULATION. With the passage of time and issuance of an additional number of water rights in each year, competition for rights to use of our limited water resources increases. Conflicts also develop where uses presently authorized compete for water supplies which may vary on seasonal or annual bases, due to changes in hydrologic conditions. For these reasons it becomes necessary to manage our state's water resources so as to insure that those entitled to make beneficial use of water neither waste water in exercising their rights nor use waters by withdrawal or diversion thereof in amounts in excess to that which they are entitled.

One of the tolls of water management vested in the department of ~~((water resources))~~ ecology is the power to require that those diverting and/or withdrawing waters of the state, both surface and ground, provide a measuring device so as to provide for accurate measurement of waters so utilized. See RCW 90.03.360 and 90.44.020. It has been increasingly apparent that a satisfactory water management program can be carried out only if surface and ground water withdrawals are closely monitored and accurately measured.

Under RCW 43.27A.090(11), the department of ~~((water resources))~~ ecology is authorized to adopt such regulations as are necessary to carry out the provisions of the surface and ground water statutes of chapters 90.03 and 90.44 RCW. Acting under the authority of RCW 43.27A.090(11) and 90.03.360, the following regulation is adopted for the purpose of setting forth:

- (1) The specifications for meters installed on water withdrawal facilities for pressure systems;
- (2) The installation requirements for a meter;
- (3) The operation and maintenance requirements for a meter; and
- (4) The procedures the department of ~~((water resources))~~ ecology will follow in determining when installation of a meter shall be required and how notification of this requirement shall be given to the water user.

AMENDATORY SECTION (Amending Order DWR 69-9, filed 11/6/69)

WAC 508-64-030 METER INSTALLATION REQUIREMENTS. Meters required to be installed, as provided under WAC 508-64-010, shall meet the following installation requirements:

- (1) The meter shall be installed in accordance with manufacturer specifications and in such a manner that there shall be a full pipe of water at all times when water is being withdrawn.
- (2) Straightening vanes shall be installed in the pipe in the manner recommended by the manufacturer of the meter, or vanes may be part of the tube furnished with tube-type meters or separate units for installation in the discharge pipe upstream of the meter.
- (3) There shall be no turnouts or diversions between the source of water and the meter installation, except for faucet or other similar small outlets.
- (4) The meter shall be placed in the pipe not less than five pipe diameters downstream from any valves, elbows, or other obstructions which might create turbulent flow, or as recommended by the meter manufacturer. There shall also be at least one pipe diameter of unobstructed flow on the downstream side of the meter.
- (5) The meter and register shall not be enclosed in a building or structure in such a manner as to prevent access to the register. The register or meter shelter may be equipped with a lock to prevent tampering or breakage, provided that a key is made available to authorized employees of the department of ~~((water resources))~~ ecology at the place of business during normal working hours or at the residence in case of private parties.
- (6) Provisions shall be made for removal and rating of the meter in accordance with the manufacturer's specifications.
- (7) In those cases where wells are authorized for the purpose of supplementing surface waters with water from combined sources not to exceed a total quantity, both sources of water shall be metered.

(8) In the case of artesian wells which flow at times, the meter shall be installed in a manner which will measure both pumped and flowing discharge.

(9) The owner shall cause the department of ~~((water resources))~~ ecology to be notified within ten days from the installation of the meter.

(10) The meter installation shall be inspected and approved by the department of ~~((water resources))~~ ecology.

AMENDATORY SECTION (Amending Order DWR 69-9, filed 11/6/69)

WAC 508-64-040 METER OPERATION AND MAINTENANCE. Meters installed hereunder shall be operated and maintained in accordance with the following:

(1) No withdrawal or diversion of water shall be made unless the meter installation has been inspected and approved by the department of ~~((water resources))~~ ecology and is in proper operating condition.

(2) Meters shall be repaired and returned to operation as soon as possible upon discovery of a malfunctioning meter. The department of ~~((water resources))~~ ecology shall be notified immediately of such malfunctioning meter. In all cases the meter reading immediately prior to repair and the reading of the new or repaired meter shall be submitted to the department of ~~((water resources))~~ ecology on forms provided within ten days following reinstallation of the meter and/or meter head.

(3) Water use data shall be submitted to the department of ~~((water resources))~~ ecology on forms provided for that purpose at such times as may be required by the department.

(4) Meters shall be kept clear of debris or any other material or vegetative growth which would impede their operation. All meters shall be lubricated as specified by the manufacturer.

(5) Meters which are not properly operated and maintained shall be repaired or replaced upon order of the department of ~~((water resources))~~ ecology within the time specified within said order.

AMENDATORY SECTION (Amending Order DWR 69-9, filed 11/6/69)

WAC 508-64-050 METER—WHEN REQUIRED. Meters shall be installed on water diversion and/or withdrawal facilities existing prior to or constructed subsequent to the effective date hereof whenever it shall appear to the ~~((assistant director of the division of water management))~~ department of ecology that one of the following conditions exist:

(1) The need exists to accurately measure the instantaneous rate of diversion (withdrawal) and/or the total water use by a facility operating over a specified period of time, for purposes of determining if the quantities of water utilized are within the limits of the established rights, or

(2) Studies, inventories and investigations of stream and/or aquifer systems are being conducted by the department of ~~((water resources))~~ ecology for purposes of determining location, extent, depth, volume and flow of said waters for planning, utilization and management purposes; and accurate determination of existing diversion and/or withdrawals is necessary for proper conduct of such studies, inventories and investigations, or

(3) When it has been established by the department of ~~((water resources))~~ ecology, or there is reasonable reason to believe that a mining of ground waters is taking place within a defined area and that an accurate determination as to the extent of existing use of ground waters is necessary to properly manage such use for the purpose of maintaining a reasonable or feasible pumping lift (or reasonable or feasible reduction of artesian pressure) within the defined area, or

(4) Conflict in use under established rights exist and accurate determination of the rate of diversion (withdrawal) and/or volumetric use over a given period of time is necessary for a proper resolution of the conflict.

The requirement that a meter shall be installed on an existing facility shall be given by written notice served upon the owner or person having control thereof, as appropriate, personally or by registered or certified mail. Said notice shall set forth that a meter shall be installed in compliance with the provisions of this chapter and the date by which the meter shall be installed. All meters required to be installed hereunder shall conform to the provisions of WAC 508-64-020 through 508-64-040.

AMENDATORY SECTION (Amending Order DWR 69-9, filed 11/6/69)

WAC 508-64-060 UNAUTHORIZED DIVERSION OR WITHDRAWALS—ENFORCEMENT AGENT. No waters shall be diverted and/or withdrawn from facilities which do not comply with orders issued pursuant to WAC 508-64-050. ~~((Enforcement of orders issued under WAC 508-64-050 shall be carried out through the issuance of regulatory orders as provided in section 7, chapter 284, Laws of 1969 ex. sess.))~~ In enforcement of this chapter, the department of ecology may impose such sanctions as are appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 90.03.600.

NEW SECTION

WAC 508-64-070 APPEALS. All final written decisions of the department of ecology pertaining to permits, regulatory orders, and related decisions made pursuant to this chapter shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

NEW SECTION

WAC 508-64-080 REGULATION REVIEW. The department of ecology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.

WSR 88-09-055
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION PERSONNEL BOARD
 [Memorandum—April 20, 1988]

Notice of meeting cancellation: May 20, 1988, University of Washington, Seattle, Washington.

WSR 88-09-056
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
 [Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-01-057 Child care emergency.
- Amd WAC 251-22-110 Sick leave—Use.
- Rep WAC 251-22-115 Maternity leave.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 24, 1988.

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

Dated: April 20, 1988
 By: John A. Spitz
 Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on April 20, 1988, and is filed pursuant to RCW 34.04.025.

Description of Purpose: These revisions are housekeeping changes to refer to the correct rule and to reflect board actions taken at the June 19, 1987, and September 18, 1987, Higher Education Personnel Board meeting.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Title: WAC 251-01-057 Child care emergency.

Summary of Rule: This is a housekeeping change only to refer to the correct rule.

Title: WAC 251-22-110 Sick leave—Use.

Summary of Rule: These are housekeeping changes only to refer to the correct rule.

Title: WAC 251-22-115 Maternity leave.

Summary of Rule: This rule was repealed by the board at the September 18, 1987, meeting when they adopted WAC 251-22-167 Disability leave.

Reasons Supporting Proposed Action: Housekeeping changes only.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 234-3730 scan or (206) 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This change is not a result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 156, filed 7/1/87, effective 8/1/87)

WAC 251-01-057 CHILD CARE EMERGENCY. A situation causing an employee's inability to report for or continue scheduled work because of emergency child care requirements ("child" as identified in WAC 251-01-~~208~~172), such as unexpected absence of regular care provider, unexpected closure of child's school, or unexpected need to pick up child at school earlier than normal.

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

AMENDATORY SECTION (Amending Order 156, filed 7/1/87, effective 8/1/87)

WAC 2251-22-110 SICK LEAVE—USE. (1) Sick leave shall be allowed an employee under the following conditions:

- (a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties.
- (b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.
- (c) Because of emergencies caused by serious illness or injury of a family member fifteen years of age and over that require the presence of the employee to provide immediate necessary care of the patient or to make arrangements for extended care. The personnel officer may

authorize sick leave use as provided in this subsection for other than family members. The applicability of "emergency," "necessary care" and "extended care" shall be made by the personnel officer.

(d) Because of illness or injury of a child (as identified in WAC 251-01-~~208~~172) under the age of fifteen when the employee's presence is required to provide necessary care or to make arrangements for extended care.

(e) Because of illness or injury of a family member who is a person of disability and requires the employee's presence to provide short-term care or to make arrangements for extended care.

(f) To provide emergency child care for the employee's child (as identified in WAC 251-01-~~208~~172). Such use of sick leave is limited to three days in any calendar year, unless extended by the personnel officer, and shall be used only as specified in WAC 251-22-117.

(g) Because of a family member's death that requires the assistance of the employee in making arrangements for interment of the deceased.

(h) For personal medical, dental, or optical appointments or for family members' appointments when the presence of the employee is required, if arranged in advance with the employing official or designee.

(2) Sick leave may be granted for condolence or bereavement.

Reviser's note: The section above was filed by the agency as WAC 2251-22-110. However, the other rules for the Department of Higher Education Personnel Board are found in Title 251 WAC. The section above appears to be WAC 251-22-110, but pursuant to the requirements of RCW 34.08.040, it is published in the same form as filed by the agency.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-22-115 MATERNITY LEAVE

WSR 88-09-057

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Rep WAC 251-17-140 Applicants—Anonymity.
New WAC 251-01-028 Anniversary date;

that the agency will at 9 a.m., Thursday, June 2, 1988, in the Board Room, Edmonds Community College, 20000 68th Avenue West, Lynnwood, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

The specific statute these rules are intended to implement is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1, 1988.

Dated: April 20, 1988

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the Code Reviser on April 20, 1988, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-01-028 Anniversary date.

Description of Purpose: This rule is modified as a result of the family leave bill recently signed by Governor Gardner.

Summary of Rule: The most recent date of hire into state service is used to determine if vacation leave over two hundred forty hours will be extinguished.

Reasons Supporting Proposed Action: WAC 251-22-080 Vacation leave—Accumulation—Excess contains the term "anniversary date." This rule proposal clarifies what is meant by "anniversary date."

Title: WAC 251-17-140 Applicants—Anonymity.

Description of Purpose: To specify how higher education institutions and related boards in the state of Washington will administer and evaluate written examinations.

Summary of Rule: To provide for the anonymity of persons taking written examinations.

Reasons Supporting Proposed Action: This rule is no longer required for the administration of the HEPB selection system. It is ambiguous and conflicts with current guidelines on examination administration.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John A. Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, 234-3730 scan or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: This change is not a result of federal law or state or federal court action.

NEW SECTION

WAC 251-01-028 ANNIVERSARY DATE. The most recent date of hire into state service which is used in determining if vacation leave in excess of two hundred forty hours is to be extinguished.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 251-17-140 APPLICANTS—ANONYMITY.

WSR 88-09-058
PROPOSED RULES
STATE EMPLOYEES INSURANCE BOARD
 [Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning the amending of WAC 182-12-115 and 182-12-165; and repealing of WAC 182-12-120;

that the agency will at 9:15 a.m., Wednesday, May 25, 1988, in the Department of Transportation, Materials Lab Building, Tumwater, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.05.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 19, 1988.

Dated: April 20, 1988

By: C. H. Shay
 Assistant Benefits Manager

STATEMENT OF PURPOSE

Amending WAC 182-12-115 Eligible employees and retirees; WAC 182-12-165 State contribution for permanent employees appointed to seasonal positions; and repealing WAC 182-12-120 Noneligible employees.

Statutory Authority: RCW 41.05.010.

WAC 182-12-115 revises the definition of full- and part-time employees and adds definitions of eligible children and parents; WAC 182-12-165 clarifies eligibility for instructional and other seasonal employees; and WAC 182-12-120 is now obsolete.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Department of Personnel, Insurance Benefits Division, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, phone 753-2364, 234-2364 scan.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

Not necessary due to law or court action.

AMENDATORY SECTION (Amending Resolution No. 86-6, filed 10/10/86)

WAC 182-12-115 ELIGIBLE EMPLOYEES ((AND)), RETIREES, AND DEPENDENTS. The following definitions of eligible employees ((and)), retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all SEIB approved plans except as otherwise stated in this chapter:

(1) "((Full-time)) Permanent employees." Those who ((work a full-time work week for their agency)) are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "((Permanent part-time)) Nonpermanent employees." Those who ((do not work full-time, but who are under continuous employment by an agency, and who are scheduled to work at least 80 hours per month)) are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "((Career)) Seasonal employees." Those who work at least ((80 hours)) half-time per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEIB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEIB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

(8) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse.

(b) Dependent children through age twenty.

(c) Dependent children age twenty-one and over who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap are also eligible, provided such condition occurs prior to age twenty-one or during the time the dependent was covered under an SEIB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty-one or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Children" includes natural children, stepchildren, adopted children, and approved foster children. A foster child must be under age twenty-one at the time of approval. "Children" also includes married children if dependent upon the employee/retiree within the meaning of the Internal Revenue Code.

(f) "Dependent parents." Parents of the employee/retiree or their spouse are eligible subject to Internal Revenue Code dependency status and qualification. Eligibility is subject to making application and verification.

AMENDATORY SECTION (Amending Order 7228, filed 12/8/76)

WAC 182-12-165 STATE CONTRIBUTION FOR PERMANENT EMPLOYEES APPOINTED TO INSTRUCTIONAL YEAR OR SEASONAL POSITIONS. ((~~Otherwise eligible employees appointed to seasonal positions including those employees in the higher education institutions who work on an instructional year basis, or those employees having an employment relationship to provide services in successive years or school terms~~)) Eligible employees appointed to work on an instructional year (school year) or equivalent seasonal basis, shall be eligible to receive the state contribution for insurance ((~~between periods of active employment. However, otherwise eligible employees appointed to seasonal positions who would otherwise be eligible for the state contribution, who enroll in any other employer paid group insurance program, not under the authority of SEIB, shall not receive the state contribution until they return to active employment~~)) during the off-season following each period of seasonal employment equivalent to six months of full-time employment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 182-12-120 NONELIGIBLE EMPLOYEES.

WSR 88-09-059
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Order 88-6—Filed April 20, 1988]

I, Ralph C. Ruff, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA 98504, the annexed rules relating to general exclusions from the contracting base, WAC 326-30-060.

I, Ralph C. Ruff, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this section automatically excludes monies received by an agency for transfer to other government jurisdictions from the agency's contracting

base. Certain amount of monies are in the process of being allocated and it is necessary to clarify whether the goals apply to such monies. Even after the repeal of this rule, agencies may still apply for exclusion of these monies from the contracting base under WAC 326-30-070.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 39.19 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 20, 1988.

By Ralph C. Ruff
Director

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-060 GENERAL EXCLUSIONS FROM THE CONTRACTING BASE. Certain exclusions from the reporting base against which achievement of the annual overall goals is computed will be allowed without requesting permission from OMWBE.

(1) Exclusions will be reviewed by OMWBE on an annual basis.

(2) Contracts solely for the purchase of the following items are allowable exclusions:

(a) Convention fees,

(b) Emergency purchases, those made in response to unforeseen circumstances beyond the control of an agency/educational institution which presents a real, immediate and extreme threat to the proper performance of essential functions and/or which may be reasonably expected to result in excessive loss or damage to property, bodily injury, or loss of life,

(c) Copyrighted materials,

(d) Personal service contracts for consultant services in preparation for litigation and expert witness fees,

~~((c)) Funds received for transfer to other governmental entities,~~

~~((f)) (e) Purchases from other governmental agencies, including from cities and counties,~~

~~((g)) (f) Honorariums,~~

~~((h)) (g) Interagency purchases,~~

~~((i)) (h) Interagency reimbursements,~~

~~((j)) (i) Membership dues,~~

~~((k)) (j) Purchases from nonprofit and not-for-profit firms,~~

~~((l)) (k) Purchases for resale,~~

~~((m)) (l) Purchases from quasi-governmental agencies, e.g., utilities,~~

~~((n)) (m) Purchases from sheltered workshops,~~

~~((o)) (n) Purchases from sole source suppliers, those which can be obtained from only one vendor and can be documented as such,~~

~~((p)) (o) Subscriptions,~~

~~((q) Training films, and testing materials,~~

~~(r))~~ (p) Contracts which are not competitively awarded and which are awarded to all qualified applicants, e.g., physicians and day care providers, and

~~((s))~~ (q) Payments for travel made directly to a common carrier, not through a travel agency, whether by an agency/educational institution, or the employee.

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

WSR 88-09-060
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Minority and Women's Business Enterprises intends to adopt, amend, or repeal rules concerning WAC 326-20-080 Factors considered in determining control and WAC 326-02-030 (14), (20), (24) and (29) Definitions;

that the agency will at 1:00 p.m., Tuesday, May 24, 1988, in the Office Building 2 Auditorium, Department of Social and Health Services, 12th and Franklin Streets, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 31, 1988.

The authority under which these rules are proposed is chapter 39.19 RCW.

The specific statute these rules are intended to implement is RCW 39.19.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1988.

Dated: April 18, 1988

By: Ralph C. Ruff

Director

STATEMENT OF PURPOSE

Title: WAC 326-20-080 Factors considered in determining control and WAC 326-02-030 (14), (20), (24) and (29) Definitions.

Description of Purpose: Modifies the 51 percent control requirement and provides clarification of factors used to determine control, to make factors applied more consistent with prior usage by local government jurisdictions which previously performed certification.

Statutory Authority: RCW 39.19.030.

Specific Statute Rule is Intended to Implement: RCW 39.19.030(5).

Summary of Rule: Same as above.

Reasons Supporting Proposed Action: The 51 percent control requirement has been difficult to apply, and the office feels that these factors more clearly identify the elements that are needed for an evaluation of the minority and/or owner's ability to control.

Agency Personnel Responsible for Drafting: Mary Tennyson, Senior Assistant Attorney General, Attorney General Office; Implementation and Enforcement: Ralph

C. Ruff, Director, Office of Minority and Women's Business Enterprises.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Office of Minority and Women's Business Enterprises.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: These are rules designed to notify businesses of the standards applied to determined control by the minority and/or woman applicant.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 87-6, filed 8/27/87)

WAC 326-20-080 FACTORS CONSIDERED IN DETERMINING CONTROL. Whether a minority or woman owner meets the ~~((fifty-one percent))~~ control requirement as defined in WAC 326-02-030(29) is determined on an application-by-application basis. Factors which may be considered in determining whether the minority or woman owner meets the control requirement include, but are not limited to, the following:

- (1) Authority and restrictions as indicated in the articles of incorporation, bylaws, partnership agreements and/or other business agreements and documents;
- (2) The financial interest and/or participation in any other business by any owner or key personnel;
- (3) Past and current employment history of minority and women owners involved in the business;
- (4) Members of the board of directors and corporate officers;
- (5) Experience, training, and expertise of any owners;
- (6) Recent changes in ownership and/or control of the business;
- (7) Financial obligation to and capital contributions from nonowners of the business; and
- (8) Documentation indicating who has ultimate authority to make policy and management decisions and to legally obligate the business.
- (9) Control of a corporate-sponsored dealership will be evaluated using the standards set out in WAC 326-02-030(28).

AMENDATORY SECTION (Amending Order 88-4, filed 4/1/88)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

- (1) "Advisory committee" means the advisory committee on minority and women's business enterprises.
- (2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.
- (3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by this office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by this office. The owners must be United States citizens or lawful permanent residents.
- (4) "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor.
 - (a) For purposes of certification, factors which may be considered in determining whether a business is or will be performing a commercially useful function include, but are not limited to, the following:
 - (i) Whether the business is or will be responsible for executing a distinct element of work in the performance of a contract; and
 - (ii) Whether principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible; and
 - (iii) Whether the business could be considered a "conduit," "front," or "pass-through" as defined in this section; and
 - (iv) Whether the minority and/or woman owner(s) has the skill and expertise to perform the work for which the business is being, or has been certified.

(b) The manner in which a supplier does business will be examined by the office for purposes of certification and may be considered by state agencies and educational institutions in awarding a contract. Factors in addition to those in (a) of this subsection which indicate that a supplier is performing a commercially useful function include, but are not limited to, the following:

(i) It either assumes the actual and contractual responsibility for furnishing goods or materials and executes material changes in the configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials; or

(iii) Before submitting the certification application, it has secured a contract or distributor agreement with a manufacturer to act as an authorized representative, and can pass on product warranties to the purchaser; and

(iv) Performs a distinct element of work in a manner that is consistent with common industry practice. Factors which may indicate that a firm is not performing a commercially useful function include, but are not limited to, the following:

(A) A minimum amount of inventory is not maintained;

(B) Billing and shipping arrangements are performed by nonowners or staff of nonowners;

(C) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user;

(D) The supplier does not take ownership of the product.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a business organized for profit, performing

a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by this office. (~~Owned and controlled means a business in which one or more minorities or MBE's certified by this office own at least fifty-one percent, or in the case of a corporation, at least fifty-one percent of the management and daily business operations of the business.~~) The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alterations, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by this office. (~~Owned and controlled means a business in which one or more women or WBE's certified by this office own at least fifty-one percent or in the case of a corporation at least fifty-one percent of the voting stock, and control at least fifty-one percent of the management and daily business operations of the business.~~) The women owners must be United States citizens or lawful permanent residents.

(21) "Common industry practices" mean those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(22) "Conduit" means a WBE, MBE, or combination MWBE which agrees to be named as a subcontractor on a contract in which such WBE, MBE, or combination MWBE does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other non-MWBE business.

(23) "Front" means a business which purports to be: (a) A WBE but is in fact owned or controlled by a man or men; (b) a MBE but is owned or controlled by a nonminority person or persons; or (c) a combination MWBE but is owned or controlled by a man or men or by a nonminority person or persons to a greater extent than is allowed by WAC 326-02-030(3).

(24) "Pass-through" means a business which buys goods from a non-WBE, non-MBE, or noncombination MWBE (~~without materially changing the configuration or logistics of the goods~~) and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(26) "Supplier" means a business which provides or furnishes goods or materials, performs a commercially useful function, and is not considered a conduit, front, or pass-through.

(27) "Switch business" means a business which was previously owned and controlled by a man, men or nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

(28) "Corporate-sponsored dealership" means a bona fide minority or women's business which meets the following standards in lieu of the fifty-one percent ownership criteria set out in subsections (14), (15), and (20) of this section, and meets the following standards in lieu of the factors used to evaluate control in WAC 326-20-080.

(a) The minority or women owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell or distribute goods or services at wholesale or retail, leasing, or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(b) The capital investment for the dealership or business is jointly contributed by the minority or women owner(s) and the sponsoring corporation.

(i) The original investment contributed by the minority or women owner(s) may be less than fifty-one percent, but must constitute at least twenty-five percent of the capitalization investment (total required equity capital) in the dealership corporation.

(ii) A specified time limit of not more than ten years must be established, binding between the minority or women owner(s) and the sponsoring corporation, within which the buy-out of the corporate sponsor's interest is complete.

(c) If the sponsoring corporation retains majority voting rights and control of the board of directors, then the minority or women owner(s) must annually apply at least fifty percent of the net profit and bonuses toward the buy-out of the corporate sponsors' interest within the buy-out time limit established with the corporation.

(d) The minority or women owner(s) must show active participation in the decision-making process on the board of directors of the dealership.

(e) The minority or women owner(s) must have operational control, and as such have day-to-day management control of the dealership, with responsibility for sales, service volume, and profits.

(f) The sponsoring corporation must have specifically developed a national or regional corporate sponsored dealership program to address the present-day issue of lack of opportunities for minorities or women in the dealership industry, which includes such features as: Capitalization assistance from the sponsoring corporation, on-going business operations training, technical assistance to the dealership owner, and a corporate sponsored minority and women's business program.

(g) The minority or women owner(s) must demonstrate that the relationship between the corporate sponsor and the minority or women's business was not formed for the primary purpose of achieving certification under chapter 39.19 RCW, or any similar provision of any ordinance, regulation, rule, or law.

(h) The minority or women owner(s) have prior business or management experience relating to the business being entered into as an owner.

(i) The minority or women owner(s) must be president of any corporation formed by the business.

(29) "Legitimately owned and controlled" for the purposes of determining whether a business is a minority business enterprise, a women's business enterprise, or a combination thereof, shall mean that women, minorities or a combination thereof shall possess:

(1) Ownership of at least fifty-one percent interest in the business, unless the minority and/or women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28). The ownership shall be real and continuing, and shall go beyond the pro forma ownership of the business reflected in the ownership documents. The minority and/or women owner(s) shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance and the form of the arrangements; and

(2) Control over management, interest in capital, interest in profit or loss and contributions to capital, equipment and expertise on which the claim of minority and/or women-owned status under this chapter is based. The minority and/or women owner(s) must possess and exercise the legal power to direct the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy, finances, and overall operations. If the owners of the business who are not minorities and/or women are disproportionately responsible for the operation of the business, then the business is not controlled by minorities and/or women. The minority and/or women owner(s) must control and manage the day to day operations of the business. The requirements of this shall not apply, if the minority/women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28).

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

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 88-09-061
PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Credit on nonliquor food items—Conditions—Record keeping, amending WAC 314-12-145;

that the agency will at 9:30 a.m., Wednesday, May 4, 1988, in the Offices of the Liquor Control Board, 5th Floor, Conference Room, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 50, Laws of 1988, SB 6578.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 4, 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-07-091 filed with the code reviser's office on March 22, 1988.

Dated: April 19, 1988

By: L. H. Pedersen
Chairman

**WSR 88-09-062
PROPOSED RULES
ATTORNEY GENERAL'S OFFICE**

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Attorney General intends to adopt, amend, or repeal rules concerning:

- | | | |
|-----|---------------|--|
| New | WAC 44-10-220 | Resale of motor vehicle determined or adjudicated as having a serious safety defect. |
| New | WAC 44-10-230 | Resale of motor vehicle determined or adjudicated as having a nonconformity; |

that the agency will at 11:00 a.m., Friday, May 27, 1988, in the 13th Floor Conference Room, 1300 Dexter Horton Building, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 19.118.061 and 19.118.080.

The specific statute these rules are intended to implement is RCW 19.118.061.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 25, 1988.

Dated: April 19, 1988
By: Tad H. Shimazu
Assistant Attorney General
Lemon Law Administrator
Consumer and Business
Fair Practices Division

STATEMENT OF PURPOSE

Name of Agency: Washington State Attorney General's Office.

Purpose/Summary of Rules: WAC 44-10-220 sets up the procedure for the resale of a motor vehicle determined or adjudicated as having a serious safety defect; and WAC 44-10-230 sets up the procedures for the resale of a motor vehicle determined or adjudicated as having a nonconformity.

Statutory Authority: RCW 19.118.061, 19.118.080 and 19.118.090.

Reasons Proposed: To implement chapter 19.118 RCW and to provide procedures for the resale of motor vehicles determined or adjudicated as having a serious safety defect or a nonconformity pursuant to RCW 19.118.080.

Responsible Departmental Personnel: In addition to the Attorney General, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing these rules: Tad H. Shimazu, Assistant Attorney General, Consumer and Business Fair Practices Division, 1300 Dexter Horton Building, Seattle, WA 98104-1749, phone (206) 464-7030 or 576-7030 scan.

Proponents: The state of Washington Attorney General's Office.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court requirements.

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

NEW SECTION

WAC 44-10-220 RESALE OF MOTOR VEHICLE DETERMINED OR ADJUDICATED AS HAVING A SERIOUS SAFETY DEFECT. (1) Resale of a motor vehicle in the State of Washington, pursuant to RCW 19.118.061(1), must conform to the following procedures:

(a) A manufacturer, its agent or motor vehicle dealer to whom a motor vehicle with a serious safety defect is returned, shall affix a "Lemon Law Resale Notice" to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of such vehicle. The "Lemon Law Resale Notice" will set forth that the vehicle was determined to have a serious safety defect and the specific serious safety defect(s) shall be enumerated. The "Lemon Law Resale Notice" shall be supplied by the Attorney General's Office. The "Lemon Law Resale Notice" may only be removed by the manufacturer, its agent or motor vehicle dealer upon receipt of a signed copy of the Consumer Disclosure form.

(b) The Consumer Disclosure form sets forth the specific serious safety defect found in the motor vehicle. The motor vehicle dealer shall ensure that the purchaser of a motor vehicle signs the Consumer Disclosure form and that a signed copy is delivered to the Attorney General's Office. The purchaser shall receive a copy of the signed disclosure form.

(c) The manufacturer must ensure that a copy of the signed Certificate of Correction and Warranty is received by the motor vehicle

dealer that is to sell the vehicle, the Vehicle Service Division of the Washington State Department of Licensing and the State Attorney General's Office. Upon sale of the vehicle, the motor vehicle dealer shall provide a copy of the Certificate of Correction and Warranty to the consumer.

(2)(a) If a manufacturer delivers a motor vehicle that has been found to have a serious safety defect under the Lemon Law, to a motor vehicle dealer outside of Washington State, the manufacturer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and the destination state, and send the postcard to the Attorney General's Office.

(b) If a motor vehicle dealer in Washington State has received, for purposes of resale, a motor vehicle that has been found to have a Serious Safety Defect, and such dealer sells, delivers or disposes of such vehicle outside of Washington State, the motor vehicle dealer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and destination state, and send the postcard to the Attorney General's Office.

NEW SECTION

WAC 44-10-230 RESALE OF MOTOR VEHICLE DETERMINED OR ADJUDICATED AS HAVING A NONCONFORMITY. (1) Resale of a motor vehicle in the State of Washington, pursuant to RCW 19.118.061(3) and 19.118.061(4), must conform to the following procedures:

(a) A manufacturer, its agent or motor vehicle dealer to whom a motor vehicle with a nonconformity is returned shall affix a "Lemon Law Resale Notice" to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of such vehicle. The "Lemon Law Resale Notice" will set forth that the vehicle was determined to have a nonconformity and the specific nonconformity(ies) shall be enumerated. The "Lemon Law Resale Notice" shall be supplied by the Attorney General's Office. The "Lemon Law Resale Notice" may only be removed by the manufacturer, its agent or motor vehicle dealer upon receipt of a signed copy of the Consumer Disclosure form.

(b) The Consumer Disclosure form sets forth the specific nonconformity found in the motor vehicle. The motor vehicle dealer shall ensure that the purchaser of a motor vehicle signs the Consumer Disclosure form and that a signed copy is delivered to the Attorney General's Office. The purchaser shall receive a copy of the signed disclosure form.

(c) The manufacturer, if it chooses to have the nonconformity corrected, must ensure that a copy of the signed Certificate of Correction and Warranty is received by the motor vehicle dealer that is to sell the vehicle, the Vehicle Services Division of the Washington State Department of Licensing and Attorney General's Office. Upon sale of the vehicle, the motor vehicle dealer shall provide a copy of the Certificate of Correction and Warranty to the consumer.

(2)(a) If a manufacturer delivers a motor vehicle that has been found to have a nonconformity under the Lemon Law, to a motor vehicle dealer outside of Washington State, the manufacturer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and the destination state, and send the postcard to the Attorney General's Office.

(b) If a motor vehicle dealer in Washington State has received, for purposes of resale, a motor vehicle that has been found to have a nonconformity, and such dealer sells, delivers or disposes of such vehicle outside of Washington State, the motor vehicle dealer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and destination state, and send the postcard to the Attorney General's Office.

WSR 88-09-063

ADOPTED RULES

ATTORNEY GENERAL'S OFFICE

[Order 88-4—Filed April 20, 1988]

I, Kenneth O. Eikenberry, Attorney General of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to technical expert pre-hearing inspection report, new WAC 44-10-165.

This action is taken pursuant to Notice No. WSR 88-04-078 filed with the code reviser on February 3, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.118-.061 and 19.118.080 which directs that the Washington State Attorney General's Office has authority to implement the provisions of chapter 19.118 RCW.

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

APPROVED AND ADOPTED April 19, 1988.

By Kenneth O. Eikenberry
Attorney General

NEW SECTION

WAC 44-10-165 TECHNICAL EXPERT PRE-HEARING INSPECTION REPORT. (1) In the event a technical expert is assigned to a dispute and conducts an inspection of the vehicle prior to hearing per WAC 44-10-160(2), any written report or results of such inspection shall be supplied to the parties as soon as it is available.

(2) In the event a technical expert conducts an inspection of the vehicle prior to hearing, said technical expert shall be present at the hearing or shall be available by telephone at the time of hearing, and may be examined by either party or the arbitrator.

WSR 88-09-064

ADOPTED RULES

ATTORNEY GENERAL'S OFFICE

[Order 88-5—Filed April 20, 1988]

I, Kenneth O. Eikenberry, Attorney General of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 44-10-215 Receipt of resale information.
- New WAC 44-10-240 Warranty period for certificate of correction and warranty.

This action is taken pursuant to Notice No. WSR 88-03-063 filed with the code reviser on January 20, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 19.118-.061 and 19.118.080 which directs that the Washington State Attorney General's Office has authority to implement the provisions of chapter 19.118 RCW.

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

APPROVED AND ADOPTED April 19, 1988.

By Kenneth O. Eikenberry
Attorney General

NEW SECTION

WAC 44-10-215 RECEIPT OF RESALE INFORMATION The manufacturer, shall receive, with the Notice of Acceptance, a "Lemon Law Resale Notice", Consumer Disclosure form and an Out-of-State Disposition postcard.

NEW SECTION

WAC 44-10-240 WARRANTY PERIOD FOR CERTIFICATE OF CORRECTION AND WARRANTY. Any warranty of a correction of a defect issued pursuant to the provisions of RCW 19.118.061 shall be for the duration of one year from the date of resale or an additional twelve thousand miles from the date of resale, whichever occurs first.

WSR 88-09-065

EMERGENCY RULES

ATTORNEY GENERAL'S OFFICE

[Order 88-6—Filed April 20, 1988]

I, Kenneth O. Eikenberry, Attorney General of Washington, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 44-10-165 Technical expert pre-hearing inspection report.
- New WAC 44-10-215 Receipt of resale information.
- New WAC 44-10-220 Resale of motor vehicle determined or adjudicated as having a serious safety defect.
- New WAC 44-10-230 Resale of motor vehicle determined or adjudicated as having a nonconformity.
- New WAC 44-10-240 Warranty period for certificate of correction and warranty.

I, Kenneth O. Eikenberry, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 19.118 RCW requires that the public welfare be safeguarded by disclosure of motor vehicle nonconformities found pursuant to the Lemon Law when such vehicles are resold. The statute further requires a warranty of any correction of nonconformities. The immediate adoption of the rules cited above is necessary to implement the statute and to properly protect the public interest.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 19.118-.061 and 19.118.080 which directs that the Washington State Attorney General's Office has authority to implement the provisions of chapter 19.118 RCW.

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

APPROVED AND ADOPTED April 19, 1988.

By Kenneth O. Eikenberry
Attorney General

NEW SECTION

WAC 44-10-165 TECHNICAL EXPERT PRE-HEARING INSPECTION REPORT. (1) In the event a technical expert is assigned to a dispute and conducts an inspection of the vehicle prior to hearing per WAC 44-10-160(2), any written report or results of such inspection shall be supplied to the parties as soon as it is available.

(2) In the event a technical expert conducts an inspection of the vehicle prior to hearing, said technical expert shall be present at the hearing or shall be available by telephone at the time of hearing, and may be examined by either party or the arbitrator.

NEW SECTION

WAC 44-10-215 RECEIPT OF RESALE INFORMATION The manufacturer, shall receive, with the Notice of Acceptance, a "Lemon Law Resale Notice", Consumer Disclosure form and an Out-of-State Disposition postcard.

NEW SECTION

WAC 44-10-220 RESALE OF MOTOR VEHICLE DETERMINED OR ADJUDICATED AS HAVING A SERIOUS SAFETY DEFECT. (1) Resale of a motor vehicle in the State of Washington, pursuant to RCW 19.118.061(1), must conform to the following procedures:

(a) A manufacturer, its agent or motor vehicle dealer to whom a motor vehicle with a serious safety defect is returned, shall affix a "Lemon Law Resale Notice" to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of such vehicle. The "Lemon Law Resale Notice" will set forth that the vehicle was determined to have a serious safety defect and the specific serious safety defect(s) shall be enumerated. The "Lemon Law Resale Notice" shall be supplied by the Attorney General's Office. The "Lemon Law Resale Notice" may only be removed by the manufacturer, its agent or motor vehicle dealer upon receipt of a signed copy of the Consumer Disclosure form.

(b) The Consumer Disclosure form sets forth the specific serious safety defect found in the motor vehicle. The motor vehicle dealer shall ensure that the purchaser of a motor vehicle signs the Consumer Disclosure form and that a signed copy is delivered to the Attorney General's Office. The purchaser shall receive a copy of the signed disclosure form.

(c) The manufacturer must ensure that a copy of the signed Certificate of Correction and Warranty is received by the motor vehicle dealer that is to sell the vehicle, the Vehicle Service Division of the Washington State Department of Licensing and the State Attorney General's Office. Upon sale of the vehicle, the motor vehicle dealer shall provide a copy of the Certificate of Correction and Warranty to the consumer.

(2)(a) If a manufacturer delivers a motor vehicle that has been found to have a serious safety defect under the Lemon Law, to a motor vehicle dealer outside of Washington State, the manufacturer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and the destination state, and send the postcard to the Attorney General's Office.

(b) If a motor vehicle dealer in Washington State has received, for purposes of resale, a motor vehicle that has been found to have a Serious Safety Defect, and such dealer sells, delivers or disposes of such vehicle outside of Washington State, the motor vehicle dealer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and destination state, and send the postcard to the Attorney General's Office.

NEW SECTION

WAC 44-10-230 RESALE OF MOTOR VEHICLE DETERMINED OR ADJUDICATED AS HAVING A NONCONFORMITY. (1) Resale of a motor vehicle in the State of Washington, pursuant to RCW 19.118.061(3) and 19.118.061(4), must conform to the following procedures:

(a) A manufacturer, its agent or motor vehicle dealer to whom a motor vehicle with a nonconformity is returned shall affix a "Lemon Law Resale Notice" to the lower center of the front windshield of the vehicle in a manner so as to be readily visible from the exterior of such vehicle. The "Lemon Law Resale Notice" will set forth that the vehicle was determined to have a nonconformity and the specific nonconformity(ies) shall be enumerated. The "Lemon Law Resale Notice" shall be supplied by the Attorney General's Office. The "Lemon Law Resale Notice" may only be removed by the manufacturer, its agent or motor vehicle dealer upon receipt of a signed copy of the Consumer Disclosure form.

(b) The Consumer Disclosure form sets forth the specific nonconformity found in the motor vehicle. The motor vehicle dealer shall ensure that the purchaser of a motor vehicle signs the Consumer Disclosure form and that a signed copy is delivered to the Attorney General's Office. The purchaser shall receive a copy of the signed disclosure form.

(c) The manufacturer, if it chooses to have the nonconformity corrected, must ensure that a copy of the signed Certificate of Correction and Warranty is received by the motor vehicle dealer that is to sell the vehicle, the Vehicle Services Division of the Washington State Department of Licensing and Attorney General's Office. Upon sale of the vehicle, the motor vehicle dealer shall provide a copy of the Certificate of Correction and Warranty to the consumer.

(2)(a) If a manufacturer delivers a motor vehicle that has been found to have a nonconformity under the Lemon Law, to a motor vehicle dealer outside of Washington State, the manufacturer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and the destination state, and send the postcard to the Attorney General's Office.

(b) If a motor vehicle dealer in Washington State has received, for purposes of resale, a motor vehicle that has been found to have a nonconformity, and such dealer

sells, delivers or disposes of such vehicle outside of Washington State, the motor vehicle dealer shall fill out an Out of State Disposition Postcard indicating the Vehicle Identification Number and destination state, and send the postcard to the Attorney General's Office.

NEW SECTION

WAC 44-10-240 WARRANTY PERIOD FOR CERTIFICATE OF CORRECTION AND WARRANTY. *Any warranty of a correction of a defect issued pursuant to the provisions of RCW 19.118.061 shall be for the duration of one year from the date of resale or an additional twelve thousand miles from the date of resale, whichever occurs first.*

**WSR 88-09-066
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Registration for Architects)
[Order PM 720—Filed April 20, 1988]**

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

This action is taken pursuant to Notice No. WSR 88-05-037 filed with the code reviser on February 16, 1988. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.08.340(1) and 18.08.400 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1988.

By Larry Erickson
Chairman

AMENDATORY SECTION (Amending Order PL 579, filed 2/5/86)

WAC 308-12-050 REGISTRATION BY RECIPROcity. Pursuant to RCW 18.08.400, the board will recommend to the director that the director grant a certificate of registration to a registered architect in another state or territory of the United States, the District of Columbia, or another country provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants. Documentation of NCARB certification (~~(which)~~) may be accepted by the board as satisfactory evidence that the applicant's

qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350.

(2) That the applicant provides a written comparative analysis of Washington state law and the law of the applicant's base state, territory or country.

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

~~((4) That the applicant's base state[,] territory, or country grants reciprocal privileges to architects registered in the state of Washington.))~~

**WSR 88-09-067
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed April 20, 1988]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning:

- Amd WAC 308-40-101 Application procedure.
- Amd WAC 308-40-102 Examination content.
- Amd WAC 308-40-103 Dismissal from examination.
- Amd WAC 308-40-105 Examination review procedures.
- Rep WAC 308-40-030 Previous rules and regulations repealed;

that the agency will at 4:00 p.m., Tuesday, June 14, 1988, in the University of Washington, Room D-751, Seattle, Washington 98195, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.32.040 and 18.130.050.

The specific statute these rules are intended to implement is RCW 18.32.040 and 18.130.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 7, 1988.

Dated: April 20, 1988
By: Robert A. Van Schoorl
Assistant Director
Business/Professions Division

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Dental Examiners.

Purpose of Proposed Amendments and Repealer: To make housekeeping amendments and repeal an unnecessary rule.

Statutory Authority: RCW 18.32.040 and 18.130.050.

Summary of the Rules: WAC 308-40-101 Application procedure; 308-40-102 Examination content; 308-40-103 Dismissal from examination; 308-40-105 Examination review procedures; and 308-40-030 Previous rules and regulations repealed.

Reason for Proposed Amendments and Repealer: To amend rules for housekeeping and clarification reasons, and to repeal WAC 308-40-030 which repealed previous rules that do not currently exist.

Responsible Personnel: The Washington State Board of Dental Examiners and the program manager for the board have the responsibility for drafting, implementing and enforcing this rule. The program manager is Judy Mayo, P.O. Box 9012, Olympia, WA 98504, phone (206) 753-2461 comm, 234-2461 scan.

Proponents of the Proposed Rule: The Washington State Board of Dental Examiners.

Agency Comments: The amendments are proposed pursuant to RCW 18.32.040 and 18.130.050.

Small Business Economic Impact Statement: Not required in that the proposed rule does not impact small businesses as that term is defined in RCW 19.85.020.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

AMENDATORY SECTION (Amending Order PL 391, filed 1/26/82)

WAC 308-40-101 (~~(APPLICATION PROCEDURE)~~) EXAMINATION ELIGIBILITY AND APPLICATION. (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in January 1981 and has approved all and only those dental schools which were accredited by the commission as of January 1981. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) (~~Applications for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.~~) To be eligible for the dental examination the applicant must provide certification of the successful completion of the National Dental Examination Parts I and II.

(3) (~~Applicants who are not citizens or resident aliens in the United States[,] must attain full citizenship or resident alien status within six years from issuance of the license, or the license will be cancelled.~~) Applications for the examination may be secured from the state of Washington department of licensing. The application must be completed in every respect, and reach the state of Washington department of licensing at least sixty days prior to the examination.

(4) The only acceptable proof of graduation from an approved dental school is an official transcript from such school, or a verified list of graduating students from the dean of the dental school. The verified list of students will only be acceptable from applicants who have graduated within ~~(45)~~ forty-five days of the examination for which they are applying. An applicant may complete his/her other application requirements and be scheduled for the examination before he/she has graduated, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean has been received by ~~(the division of professional licensing of)~~ the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the ~~(division of professional)~~ department of licensing.

(6) Upon establishing examination eligibility, the ~~(division of professional)~~ department of licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the board throughout the practical examination.

AMENDATORY SECTION (Amending Order PM 649, filed 4/22/87)

WAC 308-40-102 EXAMINATION CONTENT. (1) The examination will consist of:

(a) Theory: National board only accepted, except as provided in (1)(c).

(b) Practical/practice:

(i) Restorative examination: The restorative examination shall consist of an amalgam restoration phase, a cast gold restoration phase, and a condensed gold ~~((for))~~ restoration phase. Proper radiographs are required for each cavity selection.

Amalgam Class II

Cast gold restoration - Three or more surfaces.

Condensed gold ~~((for))~~ - Class II, III or V

(c) The board may, at its discretion, give an examination in any other subject under (a) or (b) of this subsection, whether in written and/or practical form. The applicant will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases, as may be required, of the practical/practice examination. Patients must be at least eighteen years of age, and shall not be a dentist, dental student, dental hygienist or dental hygiene student. The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance ~~((for))~~ prior to the first day of the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not acceptable as assistants. Assistants must complete a form of eligibility.

AMENDATORY SECTION (Amending Order PL 391, filed 1/26/82)

WAC 308-40-103 DISMISSAL FROM EXAMINATION. Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

(e) Gross disregard for and/or mutilation of the hard or soft tissues.

AMENDATORY SECTION (Amending Order PM 649, filed 4/22/87)

WAC 308-40-105 EXAMINATION REVIEW PROCEDURES. (1) Each individual who takes the ~~((practical))~~ examination for licensure as a dentist and does not pass the examination will be provided, upon written request, information indicating the areas of the ~~((practical))~~ examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of receipt of the result of the board's review of the examination results.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-40-030 PREVIOUS RULES AND REGULATIONS REPEALED.

**WSR 88-09-068
PROPOSED RULES
MEDICAL DISCIPLINARY BOARD**

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Medical Disciplinary Board intends to adopt, amend, or repeal rules concerning use of drugs or autotransfusion to enhance athletic ability, new WAC 320-18-030;

that the agency will at 9:30 a.m., Friday, June 17, 1988, in the Providence Hospital, Room 3 East Large, 500 17th, Seattle, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.130.050(1).

The specific statute these rules are intended to implement is RCW 18.130.050(12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 18, 1988.

Dated: April 19, 1988

By: Joyce R. Dolliver
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 320-18-030 Use of drugs or autotransfusion to enhance athletic ability.

Statutory Authority and Specific Statute that Rule is Intended to Implement: This rule is proposed under authority of RCW 18.130.150(1) and is intended to implement RCW 18.130.180(12).

Summary of the Rule: WAC 320-18-030 prohibits the use of drugs or autotransfusions to enhance athletic ability and provides that any physician who engages in this conduct is subject to disciplinary action.

Reasons Supporting the Proposed Rule: WAC 320-18-030 addresses the growing concern with the use of drugs or autotransfusions to enhance athletic ability in light of the potential negative consequences of such procedures.

In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing this rule: Gloria Westerfield, Executive Secretary, Business and Professions Administration, P.O. Box

9012, Olympia, WA 98504, (206) 753-2205 comm, 234-2205 scan.

Name of the Person or Organization that is Proposing the Rule: Washington State Medical Disciplinary Board.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to this Rule: None.

This rule is not necessary to comply with a federal law or a federal or state court decision.

Small Business Economic Impact Statement: Not required for this rule. Physicians are classed in SIC Code 801, offices of physicians, and physicians' assistants are classed in SIC Code 804, offices of other health practitioners. While physicians account for more than ten percent of this area and less than twenty percent of all industries, this rule does not have an economic impact on physicians.

NEW SECTION

WAC 320-18-030 USE OF DRUGS OR AUTOTRANSFUSION TO ENHANCE ATHLETIC ABILITY. (1) A physician shall not utilize anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability.

(2) A physician shall complete and maintain patient medical records which accurately reflect the utilization of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is utilized and any additional information upon which the diagnosis is based.

(3) A violation of any provisions of this rule shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this rule shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

**WSR 88-09-069
PROPOSED RULES
LOTTERY COMMISSION**

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Lottery intends to adopt, amend, or repeal rules concerning:

- New WAC 315-11-330 Definitions for Instant Game Number 33 ("Instant Replay").
- New WAC 315-11-331 Criteria for Instant Game Number 33.
- New WAC 315-11-332 Ticket validation requirements for Instant Game Number 33;

that the agency will at 10:00, Friday, June 3, 1988, in the Sea-Tac Tower I Building, 5th Floor, Suite 500, 18000 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 3, 1988.

Dated: April 20, 1988
 By: Candice R. Bluechel
 Assistant Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-11-330 Definitions for Instant Game Number 33 ("Instant Replay"); 315-11-331 Criteria for Instant Game Number 33; and 315-11-332 Ticket validation requirements for Instant Game Number 33.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-11-330 Provides definitions of the terms used in Instant Game Number 33 rules; WAC 315-11-331 sets forth criteria for Instant Game Number 33; and WAC 315-11-332 states the ticket validation requirements for Instant Game Number 33.

Reasons Supporting the Proposed Rule(s): WAC 315-11-330, certain terms need to be defined in order to provide consistency in understanding and interpreting the rules and regulations under WAC 315-11-330 and 315-11-332; WAC 315-11-331, licensed retailers and players of Instant Game Number 33 need to know how the game will function. Specifying the criteria which apply to Instant Game 33 will provide this information; and WAC 315-11-332, tickets for Instant Game Number 33 which are found to be counterfeit or tampered with will be declared void by the Lottery and no prize(s) will be paid. Rigid validation requirements are set forth to discourage persons from tampering with tickets and to prevent the Lottery from paying out prize money on invalid tickets.

Agency Personnel Responsible for Drafting: Judith Giniger, Contract Specialist 3, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504, (206) 586-1088; Implementation and Enforcement: Washington State Lottery Commission, (206) 753-1412, Evelyn Y. Sun, Director, (206) 753-3330, Scott Milne, Deputy Director, (206) 753-3334, Roger Wilson, Assistant Director, (206) 586-1065, and Candice Bluechel, Assistant Director, (206) 753-1947, all located at the Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing this Rule: Washington State Lottery Commission.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with federal law or a federal/state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: The Office of the Director, Washington State Lottery, has

reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses, large and small, which voluntarily apply to be licensed retailers for the sale of lottery tickets, or contractors who provide other services to the Office of the Director, Washington State Lottery, or who voluntarily interact with the Office of the Director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to, or interact with, the Office of the Director, Washington State Lottery.

NEW SECTION

WAC 315-11-330 DEFINITIONS FOR INSTANT GAME NUMBER 33 ("INSTANT REPLAY"). (1) Play symbols: The following are the "play symbols":

- \$1.00
- \$2.00
- \$5.00
- \$10.00
- \$20.00
- \$50.00
- \$500

One of these play symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 33, the captions which correspond with and verify the play symbols are:

<u>PLAY NUMBER</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$5.00	FIV DOL
\$10.00	TEN DOL
\$20.00	TTY DOL
\$50.00	FIFTY\$
\$500	FIV HUN

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 3000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 33 constitute the "pack number" which starts at 3000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners below \$25. For Instant Game Number 33, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of nine locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-331 CRITERIA FOR INSTANT GAME NUMBER 33. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$1.00	play symbols	-	Win	\$1.00
Two	\$1.00	play symbols and one	\$1.00	Replay	- Win \$1.00
Three	\$2.00	play symbols	-	Win	\$2.00
Two	\$2.00	play symbols and one	\$2.00	Replay	- Win \$2.00
Three	\$5.00	play symbols	-	Win	\$5.00
Two	\$5.00	play symbols and one	\$5.00	Replay	- Win \$5.00
Three	\$10.00	play symbols	-	Win	\$10.00
Two	\$10.00	play symbols and one	\$10.00	Replay	- Win \$10.00
Three	\$20.00	play symbols	-	Win	\$20.00
Two	\$20.00	play symbols and one	\$20.00	Replay	- Win \$20.00
Three	\$50.00	play symbols	-	Win	\$50.00
Two	\$50.00	play symbols and one	\$50.00	Replay	- Win \$50.00
Three	\$500.00	play symbols	-	Win	\$500.00
Two	\$500.00	play symbols and one	\$500.00	Replay	- Win \$500.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 33 set forth in WAC 315-11-332, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 33; and/or
- (b) Vary the number of tickets sold in Instant Game Number 33 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-332 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 33. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 33 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the main portion of the ticket.

(b) Each of the six play symbols must have a caption underneath, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Archer font in positive
Captions	5 x 9 font in positive
Pack-Ticket Number	9 x 12 font in positive
Validation Number	9 x 12 font in positive
Retail Verification Code	Archer font in positive

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-330(1) and each of the captions must be exactly one of those described in WAC 315-11-330(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 88-09-070

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296-17 WAC) for workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. The proposed rule change revises the basic premium ratios, loss conversion factors and size group tables to reflect the most current insurance charges, administrative expense and investment earnings to be used in adjusting premium payments for possible refunds or penalties;

that the agency will at 1:00, Monday, June 6, 1988, in the 1st Floor Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 6, 1988.

The authority under which these rules are proposed is RCW 51.04.020(1) and 51.16.035.

The specific statute these rules are intended to implement is RCW 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1988.

The agency reserves the right to modify the text of these proposed rules before the public hearing thereon or in response to written and or oral comments received before or during the public hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and proposed rules attached should be addressed to:

Kathy Lanzo
Group Insurance
905 Plum Street
Mailstop HC-212
Olympia, WA 98504
(206) 586-3726

Dated: April 20, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule(s) or Chapter: The proposal for rule change which follow amend chapter 296-17 WAC, which is the Administrative Code comprising the "Manual of rules, classifications, rates, and rating system for Washington state workers' compensation insurance." The proposed rules govern the retrospective rating plans and group insurance plans underwritten by the department, offered to Washington employers on an optional basis.

Statutory Authority: RCW 51.04.020(1) and 51.16.035.

Implementation of Specific Statute: RCW 51.16.035.

Description of the Proposed Rule(s): Revises the basic premium ratios, loss conversion factors and size group tables to reflect the most current insurance charges, administrative expense and investment earnings to be used in adjusting premium payments for possible refunds or penalties.

Reasons Supporting Proposed Rule: The retrospective rating plan parameters must be updated due to the increase of disability benefits. Otherwise, the retrospective rating plan becomes inequitable by virtue of being either unduly favorable or unfavorable to retrospectively rated employers compared with other employers not retrospectively rated.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): Robert McCallister, Assistant Director for Industrial Insurance, 753-5173, Al Spadoni, Assistant Director for Employer

Services, 753-5371, Kathy Lanzo, Group Insurance Manager, 586-3726, General Administration Building, Olympia, Washington 98504.

Name of Person or Organization Whether Private, Public or Governmental, that is Proposing the Rule(s): The Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): The proposed rules represent an adjustment to the retrospective rating plans commensurate with the most current expected loss ratios, administrative expenses and investment earnings.

These rules are not proposed to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Effect of Proposed Revisions: Proposed change will not have an impact on 20% of all industries or 10% of one industry.

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A
BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = $\frac{(-692)}{.630}$
Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.975	.955	.942	.929	.918	.910	.901	.895	.887	.881	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.918	.906	.895	.886	.879	.870	.863	.850	.838	.827	.806
81	.967	.946	.925	.913	.899	.889	.878	.869	.862	.854	.840	.828	.816	.795
80	.966	.940	.921	.906	.891	.881	.870	.862	.853	.845	.830	.818	.806	.781
79	.964	.937	.915	.900	.884	.873	.863	.853	.844	.836	.821	.808	.794	.770
78	.958	.932	.911	.895	.880	.866	.856	.845	.836	.827	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.862	.848	.839	.827	.819	.802	.787	.772	.746
76	.955	.927	.902	.884	.865	.853	.840	.829	.818	.809	.792	.774	.760	.733
75	.954	.920	.896	.877	.860	.845	.830	.820	.809	.799	.781	.764	.749	.720
74	.948	.918	.892	.869	.852	.837	.823	.811	.800	.790	.770	.754	.737	.708
73	.946	.911	.885	.863	.845	.829	.816	.803	.790	.781	.760	.743	.726	.695
72	.944	.908	.878	.858	.840	.824	.809	.794	.783	.772	.750	.732	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.772	.761	.739	.721	.701	.667
70	.936	.899	.867	.843	.824	.807	.790	.776	.762	.751	.729	.707	.690	.654
69	.935	.892	.859	.838	.815	.797	.782	.767	.753	.740	.717	.697	.678	.642
68	.928	.884	.855	.829	.807	.789	.772	.756	.742	.731	.707	.684	.664	.628
67	.925	.882	.847	.821	.797	.779	.763	.747	.732	.720	.694	.673	.652	.615
66	.918	.873	.839	.813	.789	.771	.753	.737	.721	.710	.682	.661	.640	.601
65	.917	.870	.835	.805	.783	.762	.744	.728	.712	.698	.671	.648	.628	.589
64	.910	.863	.827	.800	.775	.753	.735	.717	.701	.686	.661	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.676	.649	.623	.603	.562
62	.900	.851	.810	.783	.756	.734	.715	.697	.681	.665	.636	.610	.589	.549
61	.898	.844	.807	.773	.748	.724	.704	.687	.670	.654	.625	.599	.575	.535
60	.890	.836	.798	.765	.738	.714	.695	.674	.657	.641	.612	.585	.562	.520
59	.888	.833	.790	.756	.730	.705	.684	.663	.646	.629	.598	.572	.549	.506
58	.881	.826	.781	.747	.719	.695	.674	.652	.635	.617	.587	.560	.536	.493
57	.879	.817	.772	.737	.710	.684	.661	.641	.624	.607	.574	.546	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.609	.592	.561	.534	.509	.466
55	.863	.805	.754	.718	.690	.663	.639	.620	.598	.580	.548	.521	.495	.454
54	.860	.795	.745	.709	.680	.653	.628	.606	.587	.570	.536	.507	.482	.440
53	.851	.786	.736	.699	.665	.639	.617	.594	.572	.554	.522	.495	.470	.427
52	.842	.777	.725	.688	.656	.628	.603	.583	.561	.543	.510	.480	.457	.416
51	.833	.767	.716	.678	.645	.617	.591	.568	.549	.531	.498	.468	.444	.402
50	.825	.758	.706	.667	.633	.606	.580	.556	.534	.517	.483	.456	.429	.389
49	.822	.749	.696	.658	.623	.591	.565	.544	.522	.503	.470	.442	.417	.377
48	.813	.739	.685	.643	.608	.579	.553	.530	.510	.489	.457	.429	.405	.364
47	.803	.729	.675	.631	.596	.568	.541	.517	.495	.477	.444	.417	.390	.352
46	.795	.719	.664	.620	.585	.553	.526	.502	.482	.464	.432	.404	.379	.341
45	.786	.709	.648	.605	.569	.540	.514	.490	.467	.449	.417	.391	.369	.331
44	.775	.694	.638	.593	.556	.524	.499	.478	.455	.437	.406	.380	.357	.320

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
43	.766	.682	.621	.577	.541	.512	.486	.462	.443	.426	.394	.367	.347	.311
42	.757	.672	.610	.565	.530	.497	.471	.450	.428	.411	.379	.354	.333	.298
41	.747	.662	.600	.554	.514	.485	.459	.435	.415	.398	.367	.342	.320	.285
40	.737	.645	.589	.538	.502	.473	.446	.423	.401	.386	.354	.328	.306	.274
39	.727	.635	.572	.527	.490	.457	.431	.408	.389	.371	.340	.316	.295	.262
38	.717	.625	.561	.511	.474	.445	.419	.394	.376	.356	.328	.303	.282	.250
37	.700	.608	.544	.499	.462	.429	.403	.379	.361	.343	.314	.290	.270	.239
36	.689	.596	.533	.481	.445	.417	.390	.367	.349	.332	.301	.279	.258	.227
35	.671	.578	.515	.469	.428	.400	.375	.354	.334	.316	.289	.266	.247	.217
34	.653	.560	.497	.452	.416	.388	.362	.339	.321	.305	.276	.256	.236	.207
33	.642	.542	.484	.434	.399	.371	.346	.326	.306	.290	.264	.243	.225	.198
32	.623	.523	.466	.422	.386	.355	.334	.312	.294	.279	.253	.232	.215	.189
31	.605	.511	.449	.405	.370	.342	.318	.299	.282	.267	.243	.222	.207	.181
30	.586	.493	.431	.388	.357	.330	.306	.285	.268	.255	.230	.212	.197	.174
29	.568	.475	.418	.374	.340	.314	.291	.273	.257	.243	.220	.203	.189	.167
28	.549	.457	.401	.357	.324	.301	.279	.261	.244	.230	.207	.191	.177	.154
27	.537	.444	.384	.345	.311	.285	.262	.244	.229	.216	.193	.176	.160	.138
26	.519	.427	.371	.329	.295	.269	.249	.228	.215	.201	.178	.161	.145	.124
25	.499	.408	.353	.311	.281	.256	.233	.215	.200	.186	.165	.147	.133	.113
24	.480	.390	.335	.298	.265	.241	.222	.205	.189	.176	.157	.141	.128	.108
23	.454	.371	.317	.280	.253	.229	.210	.194	.179	.168	.149	.134	.122	.104
22	.435	.352	.299	.263	.237	.216	.196	.184	.171	.160	.141	.127	.116	.100
21	.408	.333	.285	.251	.225	.203	.186	.171	.161	.152	.134	.122	.112	.097
20	.388	.314	.268	.234	.209	.190	.174	.161	.151	.141	.125	.114	.105	.091
19	.377	.301	.251	.222	.196	.178	.162	.149	.139	.131	.116	.105	.097	.084
18	.358	.283	.238	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
17	.339	.265	.221	.189	.169	.152	.137	.127	.117	.110	.098	.090	.083	.074
16	.319	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
15	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
14	.291	.217	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
13	.275	.200	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
12	.263	.182	.152	.135	.121	.111	.102	.096	.089	.086	.079	.073	.069	.063
11	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
10	.235	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
9	.216	.133	.119	.109	.101	.094	.088	.083	.079	.077	.072	.068	.065	.061
8	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
7	.160	.112	.101	.095	.088	.084	.079	.076	.074	.071	.067	.063	.062	.059
6	.131	.101	.095	.088	.083	.079	.076	.073	.070	.068	.064	.062	.061	.058
5	.131	.093	.087	.081	.078	.075	.071	.069	.067	.065	.062	.061	.059	.057

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91902 TABLE III.

((RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective January 1, 1986

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
84	Basic Premium Ratio	.998	.997	.995	.993	.992	.990	.988	.987	.985	.983	.980	.977	.974	.967
	Loss Conversion Factor	.002	.003	.005	.007	.008	.010	.012	.013	.015	.017	.020	.023	.026	.033
83	Basic Premium Ratio	.998	.996	.995	.993	.991	.989	.987	.986	.984	.982	.978	.975	.971	.964
	Loss Conversion Factor	.002	.004	.005	.007	.009	.011	.013	.014	.016	.018	.022	.025	.029	.036
82	Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.977	.973	.969	.961
	Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.023	.027	.031	.039
81	Basic Premium Ratio	.998	.996	.994	.991	.989	.987	.985	.983	.981	.979	.974	.970	.966	.957
	Loss Conversion Factor	.002	.004	.006	.009	.011	.013	.015	.017	.019	.021	.026	.030	.034	.043
80	Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
	Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
79	Basic Premium Ratio	.998	.995	.993	.990	.988	.986	.983	.981	.978	.976	.971	.966	.961	.952
	Loss Conversion Factor	.002	.005	.007	.010	.012	.014	.017	.019	.022	.024	.029	.034	.039	.048
78	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.982	.979	.976	.974	.968	.963	.958	.947
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.018	.021	.024	.026	.032	.037	.042	.053
77	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.971	.965	.959	.953	.941
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.029	.035	.041	.047	.059

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
76	Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.975	.972	.969	.963	.957	.951	.939
	Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.025	.028	.031	.037	.043	.049	.061
75	Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.978	.975	.971	.968	.962	.956	.949	.937
	Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.022	.025	.029	.032	.038	.044	.051	.063
74	Basic Premium Ratio	.997	.993	.990	.986	.983	.979	.976	.972	.969	.965	.959	.952	.945	.931
	Loss Conversion Factor	.003	.007	.010	.014	.017	.021	.024	.028	.031	.035	.041	.048	.055	.069
73	Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
	Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
72	Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
	Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
71	Basic Premium Ratio	.995	.991	.986	.982	.977	.972	.968	.963	.958	.954	.945	.935	.926	.908
	Loss Conversion Factor	.005	.009	.014	.018	.023	.028	.032	.037	.042	.046	.055	.065	.074	.092
70	Basic Premium Ratio	.995	.990	.985	.980	.974	.969	.964	.959	.954	.949	.939	.928	.918	.898
	Loss Conversion Factor	.005	.010	.015	.020	.026	.031	.036	.041	.046	.051	.061	.072	.082	.102
69	Basic Premium Ratio	.994	.989	.983	.978	.972	.967	.961	.956	.950	.945	.933	.922	.911	.889
	Loss Conversion Factor	.006	.011	.017	.022	.028	.033	.039	.044	.050	.055	.067	.078	.089	.111
68	Basic Premium Ratio	.994	.988	.982	.977	.971	.965	.959	.953	.947	.941	.930	.918	.906	.883
	Loss Conversion Factor	.006	.012	.018	.023	.029	.035	.041	.047	.053	.059	.070	.082	.094	.117
67	Basic Premium Ratio	.994	.988	.981	.975	.969	.963	.957	.950	.944	.938	.926	.913	.901	.876
	Loss Conversion Factor	.006	.012	.019	.025	.031	.037	.043	.050	.056	.062	.074	.087	.099	.124
66	Basic Premium Ratio	.993	.987	.980	.973	.966	.960	.953	.946	.939	.933	.919	.906	.892	.865
	Loss Conversion Factor	.007	.013	.020	.027	.034	.040	.047	.054	.061	.067	.081	.094	.108	.135
65	Basic Premium Ratio	.993	.985	.978	.971	.964	.956	.949	.942	.935	.927	.913	.898	.884	.855
	Loss Conversion Factor	.007	.015	.022	.029	.036	.044	.051	.058	.065	.073	.087	.102	.116	.145
64	Basic Premium Ratio	.992	.984	.977	.969	.961	.953	.946	.938	.930	.922	.907	.891	.875	.844
	Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.054	.062	.070	.078	.093	.109	.125	.156
63	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.925	.917	.900	.884	.867	.834
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.075	.083	.100	.116	.133	.166
62	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
61	Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.923	.914	.904	.885	.866	.847	.808
	Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.077	.086	.096	.115	.134	.153	.192
60	Basic Premium Ratio	.990	.979	.969	.958	.948	.937	.927	.917	.906	.896	.875	.854	.833	.791
	Loss Conversion Factor	.010	.021	.031	.042	.052	.063	.073	.083	.094	.104	.125	.146	.167	.209
59	Basic Premium Ratio	.989	.977	.966	.955	.943	.932	.920	.909	.898	.886	.864	.841	.818	.773
	Loss Conversion Factor	.011	.023	.034	.045	.057	.068	.080	.091	.102	.114	.136	.159	.182	.227
58	Basic Premium Ratio	.988	.975	.963	.951	.938	.926	.914	.901	.889	.877	.852	.827	.803	.753
	Loss Conversion Factor	.012	.025	.037	.049	.062	.074	.086	.099	.111	.123	.148	.173	.197	.247
57	Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.893	.879	.866	.839	.812	.785	.732
	Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.107	.121	.134	.161	.188	.215	.268
56	Basic Premium Ratio	.986	.971	.957	.942	.928	.913	.899	.884	.870	.855	.826	.797	.768	.710
	Loss Conversion Factor	.014	.029	.043	.058	.072	.087	.101	.116	.130	.145	.174	.203	.232	.290
55	Basic Premium Ratio	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.782	.750	.688
	Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.218	.250	.312
54	Basic Premium Ratio	.983	.967	.950	.933	.917	.900	.883	.867	.850	.833	.800	.767	.733	.667
	Loss Conversion Factor	.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333
53	Basic Premium Ratio	.982	.964	.947	.929	.911	.893	.876	.858	.840	.822	.787	.751	.717	.646
	Loss Conversion Factor	.018	.036	.053	.071	.089	.107	.124	.142	.160	.178	.213	.249	.283	.354
52	Basic Premium Ratio	.981	.962	.943	.924	.905	.887	.868	.849	.830	.811	.773	.735	.697	.622
	Loss Conversion Factor	.019	.038	.057	.076	.095	.113	.132	.151	.170	.189	.227	.265	.303	.378
51	Basic Premium Ratio	.980	.960	.940	.919	.899	.879	.859	.839	.819	.798	.758	.718	.677	.597
	Loss Conversion Factor	.020	.040	.060	.081	.101	.121	.141	.161	.181	.202	.242	.282	.323	.403
50	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.804	.783	.739	.696	.652	.565
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.196	.217	.261	.304	.348	.435
49	Basic Premium Ratio	.977	.954	.930	.907	.884	.861	.837	.814	.791	.768	.721	.675	.628	.535
	Loss Conversion Factor	.023	.046	.070	.093	.116	.139	.163	.186	.209	.232	.279	.325	.372	.465
48	Basic Premium Ratio	.975	.950	.926	.901	.876	.851	.826	.801	.777	.752	.702	.652	.603	.503
	Loss Conversion Factor	.025	.050	.074	.099	.124	.149	.174	.199	.223	.248	.298	.348	.397	.497
47	Basic Premium Ratio	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
	Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
46	Basic Premium Ratio	.972	.943	.915	.887	.859	.830	.802	.774	.745	.717	.660	.604	.547	.434
	Loss Conversion Factor	.028	.057	.085	.113	.141	.170	.198	.226	.255	.283	.340	.396	.453	.566

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group	45	.970	.940	.910	.880	.850	.820	.790	.760	.730	.700	.640	.579	.519	.399
	Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.300	.360	.421	.481	.601
44	Basic Premium Ratio	.968	.936	.904	.872	.840	.808	.776	.744	.712	.680	.616	.552	.488	.360
	Loss Conversion Factor	.032	.064	.096	.128	.160	.192	.224	.256	.288	.320	.384	.448	.512	.640
43	Basic Premium Ratio	.966	.932	.898	.864	.829	.795	.761	.727	.693	.659	.591	.522	.454	.318
	Loss Conversion Factor	.034	.068	.102	.136	.171	.205	.239	.273	.307	.341	.409	.478	.546	.682
42	Basic Premium Ratio	.963	.926	.889	.853	.816	.779	.742	.705	.668	.631	.558	.484	.410	.263
	Loss Conversion Factor	.037	.074	.111	.147	.184	.221	.258	.295	.332	.369	.442	.516	.590	.737
41	Basic Premium Ratio	.960	.920	.880	.840	.799	.759	.719	.679	.639	.599	.519	.438	.358	.198
	Loss Conversion Factor	.040	.080	.120	.160	.201	.241	.281	.321	.361	.401	.481	.562	.642	.802
40	Basic Premium Ratio	.957	.913	.870	.826	.783	.739	.696	.652	.609	.565	.479	.392	.305	.131
	Loss Conversion Factor	.043	.087	.130	.174	.217	.261	.304	.348	.391	.435	.521	.608	.695	.869
39	Basic Premium Ratio	.953	.906	.859	.812	.765	.717	.670	.623	.576	.529	.435	.341	.246	.058
	Loss Conversion Factor	.047	.094	.141	.188	.235	.283	.330	.377	.424	.471	.565	.659	.754	.942
38	Basic Premium Ratio	.949	.898	.847	.796	.745	.694	.643	.592	.541	.490	.387	.285	.183	.000
	Loss Conversion Factor	.051	.102	.153	.204	.255	.306	.357	.408	.459	.510	.613	.715	.817	.993
37	Basic Premium Ratio	.944	.889	.833	.777	.721	.666	.610	.554	.498	.443	.331	.220	.108	.000
	Loss Conversion Factor	.056	.111	.167	.223	.279	.334	.390	.446	.502	.557	.669	.780	.892	.971
36	Basic Premium Ratio	.940	.880	.820	.761	.701	.641	.581	.521	.461	.402	.282	.162	.043	.000
	Loss Conversion Factor	.060	.120	.180	.239	.299	.359	.419	.479	.539	.598	.718	.838	.957	.951
35	Basic Premium Ratio	.935	.870	.804	.739	.674	.609	.544	.479	.413	.348	.218	.087	.000	.000
	Loss Conversion Factor	.065	.130	.196	.261	.326	.391	.456	.521	.587	.652	.782	.913	.988	.933
34	Basic Premium Ratio	.929	.858	.787	.717	.646	.575	.504	.433	.362	.291	.150	.008	.000	.000
	Loss Conversion Factor	.071	.142	.213	.283	.354	.425	.496	.567	.638	.709	.850	.992	.968	.916
33	Basic Premium Ratio	.922	.845	.767	.689	.612	.534	.456	.379	.301	.223	.068	.000	.000	.000
	Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.544	.621	.699	.777	.932	.977	.945	.900
32	Basic Premium Ratio	.916	.832	.747	.663	.579	.495	.410	.326	.242	.158	.000	.000	.000	.000
	Loss Conversion Factor	.084	.168	.253	.337	.421	.505	.590	.674	.758	.842	.997	.958	.927	.885
31	Basic Premium Ratio	.908	.816	.724	.632	.540	.448	.356	.264	.172	.080	.000	.000	.000	.000
	Loss Conversion Factor	.092	.184	.276	.368	.460	.552	.644	.736	.828	.920	.972	.937	.911	.873
30	Basic Premium Ratio	.900	.799	.699	.598	.498	.397	.297	.196	.096	.000	.000	.000	.000	.000
	Loss Conversion Factor	.100	.201	.301	.402	.502	.603	.703	.804	.904	.999	.953	.928	.895	.862
29	Basic Premium Ratio	.889	.779	.668	.558	.447	.336	.226	.115	.005	.000	.000	.000	.000	.000
	Loss Conversion Factor	.111	.221	.332	.442	.553	.664	.774	.885	.995	.974	.934	.906	.882	.851
28	Basic Premium Ratio	.878	.757	.635	.513	.392	.270	.148	.027	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.122	.243	.365	.487	.608	.730	.852	.973	.977	.952	.915	.887	.865	.838
27	Basic Premium Ratio	.865	.730	.594	.459	.324	.189	.054	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.135	.270	.406	.541	.676	.811	.946	.981	.952	.929	.893	.866	.847	.819
26	Basic Premium Ratio	.849	.699	.548	.398	.247	.097	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.151	.301	.452	.602	.753	.903	.988	.954	.929	.906	.873	.849	.829	.802
25	Basic Premium Ratio	.832	.664	.497	.329	.161	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.168	.336	.503	.671	.839	.999	.961	.930	.906	.885	.855	.832	.814	.790
24	Basic Premium Ratio	.812	.624	.436	.247	.059	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.753	.941	.971	.938	.911	.889	.874	.843	.822	.807	.785
23	Basic Premium Ratio	.788	.576	.363	.151	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.212	.424	.637	.849	.986	.947	.915	.892	.873	.856	.832	.814	.800	.781
22	Basic Premium Ratio	.757	.513	.270	.027	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.243	.487	.730	.973	.958	.924	.898	.875	.858	.844	.822	.806	.793	.777
21	Basic Premium Ratio	.719	.438	.158	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.281	.562	.842	.976	.933	.904	.880	.861	.844	.832	.813	.799	.788	.771
20	Basic Premium Ratio	.674	.348	.022	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.326	.652	.978	.952	.913	.884	.862	.846	.831	.820	.803	.790	.780	.766
19	Basic Premium Ratio	.622	.245	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.378	.755	.979	.926	.891	.865	.845	.831	.818	.807	.792	.780	.772	.760
18	Basic Premium Ratio	.562	.124	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.438	.876	.951	.904	.871	.849	.830	.816	.805	.796	.782	.772	.764	.755
17	Basic Premium Ratio	.479	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.521	.995	.926	.883	.853	.832	.816	.803	.794	.786	.773	.765	.759	.750
16	Basic Premium Ratio	.374	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.626	.962	.902	.863	.837	.818	.803	.793	.784	.777	.767	.759	.753	.746
15	Basic Premium Ratio	.226	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.774	.943	.879	.844	.822	.806	.793	.783	.775	.770	.760	.755	.749	.743

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
14	Basic Premium Ratio	.148	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.852	.918	.859	.830	.812	.798	.787	.779	.771	.766	.757	.752	.748	.742
13	Basic Premium Ratio	.058	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.942	.899	.839	.818	.803	.791	.782	.775	.767	.764	.755	.750	.746	.741
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.992	.877	.825	.808	.795	.784	.776	.770	.764	.760	.753	.748	.745	.740
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.972	.861	.811	.798	.787	.778	.771	.766	.761	.757	.751	.747	.743	.739
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.950	.831	.799	.789	.780	.773	.766	.761	.757	.754	.749	.745	.742	.738
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.930	.802	.791	.782	.773	.767	.762	.758	.754	.752	.747	.743	.741	.737
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.899	.791	.781	.774	.767	.762	.758	.754	.751	.749	.744	.742	.740	.736
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.865	.780	.773	.767	.762	.757	.754	.751	.748	.747	.743	.740	.739	.736
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.829	.773	.766	.760	.757	.752	.750	.747	.745	.744	.741	.739	.737	.735
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.779	.763	.758	.755	.751	.749	.747	.744	.742	.741	.738	.737	.736	.735))

**RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective July 1, 1988**

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
84	Basic Premium Ratio	.998	.996	.994	.992	.991	.989	.987	.985	.983	.981	.977	.973	.970	.962
	Loss Conversion Factor	.002	.004	.006	.008	.009	.011	.013	.015	.017	.019	.023	.027	.030	.038
83	Basic Premium Ratio	.998	.996	.994	.992	.990	.987	.985	.983	.981	.979	.975	.971	.967	.958
	Loss Conversion Factor	.002	.004	.006	.008	.010	.013	.015	.017	.019	.021	.025	.029	.033	.042
82	Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
	Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
81	Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.951
	Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.049
80	Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.981	.979	.976	.973	.968	.963	.957	.947
	Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.019	.021	.024	.027	.032	.037	.043	.053
79	Basic Premium Ratio	.997	.994	.991	.989	.986	.983	.980	.977	.974	.972	.966	.960	.954	.943
	Loss Conversion Factor	.003	.006	.009	.011	.014	.017	.020	.023	.026	.028	.034	.040	.046	.057
78	Basic Premium Ratio	.997	.994	.991	.987	.984	.981	.978	.975	.972	.969	.962	.956	.950	.937
	Loss Conversion Factor	.003	.006	.009	.013	.016	.019	.022	.025	.028	.031	.038	.044	.050	.063
77	Basic Premium Ratio	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.957	.950	.943	.929
	Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.043	.050	.057	.071
76	Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
	Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
75	Basic Premium Ratio	.996	.992	.988	.984	.980	.977	.973	.969	.965	.961	.953	.945	.937	.922
	Loss Conversion Factor	.004	.008	.012	.016	.020	.023	.027	.031	.035	.039	.047	.055	.063	.078
74	Basic Premium Ratio	.996	.991	.987	.983	.978	.974	.970	.965	.961	.957	.948	.940	.931	.914
	Loss Conversion Factor	.004	.009	.013	.017	.022	.026	.030	.035	.039	.043	.052	.060	.069	.086
73	Basic Premium Ratio	.995	.991	.986	.981	.976	.972	.967	.962	.957	.953	.943	.934	.924	.905
	Loss Conversion Factor	.005	.009	.014	.019	.024	.028	.033	.038	.043	.047	.057	.066	.076	.095
72	Basic Premium Ratio	.995	.989	.984	.979	.973	.968	.963	.958	.952	.947	.936	.926	.915	.894
	Loss Conversion Factor	.005	.011	.016	.021	.027	.032	.037	.042	.048	.053	.064	.074	.085	.106
71	Basic Premium Ratio	.994	.988	.982	.976	.970	.964	.958	.952	.946	.940	.928	.916	.904	.881
	Loss Conversion Factor	.006	.012	.018	.024	.030	.036	.042	.048	.054	.060	.072	.084	.096	.119
70	Basic Premium Ratio	.993	.987	.980	.973	.967	.960	.953	.947	.940	.933	.920	.906	.893	.866
	Loss Conversion Factor	.007	.013	.020	.027	.033	.040	.047	.053	.060	.067	.080	.094	.107	.134
69	Basic Premium Ratio	.993	.986	.978	.971	.964	.957	.949	.942	.935	.928	.913	.899	.884	.855
	Loss Conversion Factor	.007	.014	.022	.029	.036	.043	.051	.058	.065	.072	.087	.101	.116	.145
68	Basic Premium Ratio	.992	.985	.977	.969	.961	.954	.946	.938	.931	.923	.907	.892	.876	.846
	Loss Conversion Factor	.008	.015	.023	.031	.039	.046	.054	.062	.069	.077	.093	.108	.124	.154

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
67	Basic Premium Ratio	.992	.984	.975	.967	.959	.951	.942	.934	.926	.918	.901	.885	.869	.836
	Loss Conversion Factor	.008	.016	.025	.033	.041	.049	.058	.066	.074	.082	.099	.115	.131	.164
66	Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
	Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
65	Basic Premium Ratio	.990	.981	.971	.962	.952	.942	.933	.923	.913	.904	.885	.865	.846	.808
	Loss Conversion Factor	.010	.019	.029	.038	.048	.058	.067	.077	.087	.096	.115	.135	.154	.192
64	Basic Premium Ratio	.990	.979	.969	.958	.948	.938	.927	.917	.907	.896	.875	.855	.834	.792
	Loss Conversion Factor	.010	.021	.031	.042	.052	.062	.073	.083	.093	.104	.125	.145	.166	.208
63	Basic Premium Ratio	.989	.978	.966	.955	.944	.933	.922	.910	.899	.888	.866	.843	.821	.776
	Loss Conversion Factor	.011	.022	.034	.045	.056	.067	.078	.090	.101	.112	.134	.157	.179	.224
62	Basic Premium Ratio	.988	.976	.964	.952	.940	.928	.916	.904	.892	.880	.856	.832	.808	.759
	Loss Conversion Factor	.012	.024	.036	.048	.060	.072	.084	.096	.108	.120	.144	.168	.192	.241
61	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.740
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.260
60	Basic Premium Ratio	.986	.972	.958	.944	.929	.915	.901	.887	.873	.859	.831	.803	.774	.718
	Loss Conversion Factor	.014	.028	.042	.056	.071	.085	.099	.113	.127	.141	.169	.197	.226	.282
59	Basic Premium Ratio	.985	.970	.954	.939	.924	.909	.893	.878	.863	.848	.817	.787	.757	.696
	Loss Conversion Factor	.015	.030	.046	.061	.076	.091	.107	.122	.137	.152	.183	.213	.243	.304
58	Basic Premium Ratio	.984	.967	.951	.934	.918	.901	.885	.869	.852	.836	.803	.770	.737	.672
	Loss Conversion Factor	.016	.033	.049	.066	.082	.099	.115	.131	.148	.164	.197	.230	.263	.328
57	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.840	.823	.787	.752	.716	.645
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.160	.177	.213	.248	.284	.355
56	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.809	.771	.733	.695	.619
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.191	.229	.267	.305	.381
55	Basic Premium Ratio	.980	.960	.939	.919	.899	.879	.859	.838	.818	.798	.757	.717	.677	.596
	Loss Conversion Factor	.020	.040	.061	.081	.101	.121	.141	.162	.182	.202	.243	.283	.323	.404
54	Basic Premium Ratio	.978	.957	.935	.914	.892	.871	.849	.828	.806	.785	.742	.699	.656	.570
	Loss Conversion Factor	.022	.043	.065	.086	.108	.129	.151	.172	.194	.215	.258	.301	.344	.430
53	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.678	.632	.540
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.322	.368	.460
52	Basic Premium Ratio	.975	.951	.926	.902	.877	.853	.828	.804	.779	.755	.706	.656	.607	.509
	Loss Conversion Factor	.025	.049	.074	.098	.123	.147	.172	.196	.221	.245	.294	.344	.393	.491
51	Basic Premium Ratio	.974	.947	.921	.895	.869	.842	.816	.790	.763	.737	.685	.632	.579	.474
	Loss Conversion Factor	.026	.053	.079	.105	.131	.158	.184	.210	.237	.263	.315	.368	.421	.526
50	Basic Premium Ratio	.972	.944	.915	.887	.859	.831	.803	.775	.746	.718	.662	.606	.549	.436
	Loss Conversion Factor	.028	.056	.085	.113	.141	.169	.197	.225	.254	.282	.338	.394	.451	.564
49	Basic Premium Ratio	.970	.939	.909	.879	.848	.818	.787	.757	.727	.696	.636	.575	.514	.393
	Loss Conversion Factor	.030	.061	.091	.121	.152	.182	.213	.243	.273	.304	.364	.425	.486	.607
48	Basic Premium Ratio	.968	.935	.903	.870	.838	.805	.773	.740	.708	.676	.611	.546	.481	.351
	Loss Conversion Factor	.032	.065	.097	.130	.162	.195	.227	.260	.292	.324	.389	.454	.519	.649
47	Basic Premium Ratio	.965	.930	.896	.861	.826	.791	.756	.721	.687	.652	.582	.513	.443	.304
	Loss Conversion Factor	.035	.070	.104	.139	.174	.209	.244	.279	.313	.348	.418	.487	.557	.696
46	Basic Premium Ratio	.963	.926	.889	.851	.814	.777	.740	.703	.666	.628	.554	.480	.406	.257
	Loss Conversion Factor	.037	.074	.111	.149	.186	.223	.260	.297	.334	.372	.446	.520	.594	.743
45	Basic Premium Ratio	.960	.921	.881	.842	.802	.762	.723	.683	.644	.604	.525	.446	.367	.208
	Loss Conversion Factor	.040	.079	.119	.158	.198	.238	.277	.317	.356	.396	.475	.554	.633	.792
44	Basic Premium Ratio	.958	.915	.873	.831	.788	.746	.704	.661	.619	.576	.492	.407	.322	.153
	Loss Conversion Factor	.042	.085	.127	.169	.212	.254	.296	.339	.381	.424	.508	.593	.678	.847
43	Basic Premium Ratio	.954	.909	.863	.818	.772	.727	.681	.636	.590	.545	.453	.362	.271	.089
	Loss Conversion Factor	.046	.091	.137	.182	.228	.273	.319	.364	.410	.455	.547	.638	.729	.911
42	Basic Premium Ratio	.951	.901	.852	.803	.754	.704	.655	.606	.557	.507	.409	.310	.212	.015
	Loss Conversion Factor	.049	.099	.148	.197	.246	.296	.345	.394	.443	.493	.591	.690	.788	.985
41	Basic Premium Ratio	.946	.893	.839	.785	.732	.678	.625	.571	.517	.464	.356	.249	.142	.000
	Loss Conversion Factor	.054	.107	.161	.215	.268	.322	.375	.429	.483	.536	.644	.751	.858	.974
40	Basic Premium Ratio	.942	.884	.827	.769	.711	.653	.595	.537	.480	.422	.306	.190	.075	.000
	Loss Conversion Factor	.058	.116	.173	.231	.289	.347	.405	.463	.520	.578	.694	.810	.925	.948
39	Basic Premium Ratio	.937	.875	.812	.749	.686	.624	.561	.498	.435	.373	.247	.122	.000	.000
	Loss Conversion Factor	.063	.125	.188	.251	.314	.376	.439	.502	.565	.627	.753	.878	.995	.924
38	Basic Premium Ratio	.932	.865	.797	.729	.662	.594	.527	.459	.391	.324	.188	.053	.000	.000
	Loss Conversion Factor	.068	.135	.203	.271	.338	.406	.473	.541	.609	.676	.812	.947	.968	.903
37	Basic Premium Ratio	.926	.853	.779	.706	.632	.558	.485	.411	.337	.264	.117	.000	.000	.000
	Loss Conversion Factor	.074	.147	.221	.294	.368	.442	.515	.589	.663	.736	.883	.988	.944	.884

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
36	Basic Premium Ratio	.920	.840	.760	.680	.599	.519	.439	.359	.279	.199	.039	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.401	.481	.561	.641	.721	.801	.961	.961	.921	.866
35	Basic Premium Ratio	.913	.826	.739	.652	.564	.477	.390	.303	.216	.129	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.348	.436	.523	.610	.697	.784	.871	.983	.935	.899	.848
34	Basic Premium Ratio	.905	.809	.714	.618	.523	.427	.332	.236	.141	.045	.000	.000	.000	.000
	Loss Conversion Factor	.095	.191	.286	.382	.477	.573	.668	.764	.859	.955	.955	.911	.879	.833
33	Basic Premium Ratio	.896	.791	.687	.582	.478	.373	.269	.164	.060	.000	.000	.000	.000	.000
	Loss Conversion Factor	.104	.209	.313	.418	.522	.627	.731	.836	.940	.985	.930	.891	.861	.819
32	Basic Premium Ratio	.886	.772	.658	.544	.430	.316	.202	.088	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.114	.228	.342	.456	.570	.684	.798	.912	.991	.958	.908	.872	.844	.806
31	Basic Premium Ratio	.875	.749	.624	.498	.373	.247	.122	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.125	.251	.376	.502	.627	.753	.878	.997	.961	.931	.886	.854	.829	.794
30	Basic Premium Ratio	.861	.723	.584	.446	.307	.169	.030	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.139	.277	.416	.554	.693	.831	.970	.967	.935	.908	.867	.838	.815	.784
29	Basic Premium Ratio	.847	.694	.541	.389	.236	.083	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.153	.306	.459	.611	.764	.917	.978	.941	.911	.887	.850	.823	.803	.775
28	Basic Premium Ratio	.831	.662	.494	.325	.156	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.169	.338	.506	.675	.844	.993	.950	.916	.889	.866	.832	.807	.789	.762
27	Basic Premium Ratio	.812	.624	.436	.249	.061	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.751	.939	.963	.922	.891	.865	.844	.812	.789	.771	.745
26	Basic Premium Ratio	.791	.582	.373	.164	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.209	.418	.627	.836	.985	.935	.898	.868	.844	.825	.794	.772	.755	.731
25	Basic Premium Ratio	.764	.528	.293	.057	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.236	.472	.707	.943	.955	.910	.875	.847	.825	.807	.779	.758	.742	.720
24	Basic Premium Ratio	.730	.461	.191	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.270	.539	.809	.978	.923	.883	.852	.828	.808	.792	.767	.749	.735	.715
23	Basic Premium Ratio	.689	.379	.068	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.311	.621	.932	.944	.895	.859	.832	.811	.793	.779	.757	.741	.728	.711
22	Basic Premium Ratio	.637	.275	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.363	.725	.977	.914	.871	.839	.815	.796	.780	.768	.748	.734	.722	.707
21	Basic Premium Ratio	.566	.133	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.434	.867	.943	.888	.850	.822	.800	.783	.769	.758	.740	.727	.717	.703
20	Basic Premium Ratio	.488	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.512	.992	.913	.864	.829	.804	.784	.769	.756	.746	.730	.719	.710	.698
19	Basic Premium Ratio	.411	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.589	.960	.887	.840	.809	.785	.768	.754	.743	.734	.720	.710	.702	.691
18	Basic Premium Ratio	.305	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.695	.930	.862	.819	.790	.769	.753	.741	.731	.723	.711	.702	.695	.686
17	Basic Premium Ratio	.154	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.846	.901	.839	.801	.775	.756	.741	.730	.721	.714	.703	.696	.690	.682
16	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.984	.875	.819	.784	.761	.744	.731	.721	.713	.707	.697	.691	.686	.679
15	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.852	.801	.770	.749	.734	.722	.714	.707	.701	.693	.687	.683	.677
14	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.938	.836	.783	.757	.740	.727	.717	.709	.703	.698	.691	.685	.681	.676
13	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.922	.819	.764	.745	.731	.720	.712	.705	.700	.695	.688	.684	.680	.675
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.905	.800	.751	.735	.724	.714	.707	.701	.696	.692	.686	.682	.679	.674
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.887	.779	.739	.727	.717	.709	.703	.697	.693	.690	.684	.680	.678	.673
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.866	.755	.729	.719	.710	.704	.698	.694	.690	.687	.682	.679	.676	.673
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.844	.731	.720	.711	.704	.699	.694	.690	.687	.685	.680	.677	.675	.672
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.818	.720	.712	.705	.699	.694	.690	.687	.684	.682	.679	.676	.674	.671
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.788	.711	.704	.699	.694	.690	.687	.684	.682	.680	.677	.674	.673	.670

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.753	.703	.697	.693	.689	.686	.683	.681	.679	.677	.675	.673	.672	.669
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.710	.695	.691	.687	.684	.682	.680	.678	.677	.675	.673	.672	.670	.669

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91903 TABLE IV.

RETROSPECTIVE RATING PLAN A1
 MINIMUM PREMIUM RATIOS
 BASIC PREMIUM RATIO = .052
 LOSS CONVERSION FACTOR = ((.692)) .630
 Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
84	.996	.990	.986	.982	.978	.973	.969	.966	.961	.957	.949	.941	.933	.919
83	.996	.989	.985	.981	.976	.971	.967	.963	.958	.954	.945	.936	.928	.913
82	.995	.989	.984	.979	.974	.969	.964	.960	.955	.950	.941	.932	.924	.908
81	.995	.988	.983	.978	.973	.966	.962	.957	.952	.947	.937	.927	.919	.902
80	.995	.987	.981	.976	.971	.964	.959	.955	.949	.944	.934	.923	.914	.896
79	.994	.986	.980	.975	.969	.962	.957	.952	.946	.940	.930	.919	.909	.891
78	.994	.985	.979	.973	.967	.960	.954	.949	.943	.937	.926	.914	.904	.885
77	.993	.984	.978	.972	.965	.958	.952	.946	.940	.933	.922	.910	.900	.880
76	.993	.984	.977	.970	.964	.956	.949	.943	.937	.930	.918	.905	.895	.874
75	.993	.983	.976	.969	.962	.953	.947	.941	.934	.927	.914	.901	.890	.868
74	.992	.982	.975	.967	.960	.951	.944	.938	.931	.923	.910	.896	.885	.863
73	.992	.981	.973	.966	.958	.949	.942	.935	.928	.920	.906	.892	.880	.857
72	.991	.980	.972	.965	.956	.947	.939	.932	.925	.916	.902	.888	.876	.851
71	.991	.980	.971	.963	.955	.945	.937	.929	.922	.913	.899	.883	.871	.846
70	.991	.979	.970	.962	.953	.942	.934	.927	.919	.910	.895	.879	.866	.840
69	.990	.978	.969	.960	.951	.940	.932	.924	.916	.906	.891	.874	.861	.834
68	.990	.977	.968	.959	.949	.938	.929	.921	.913	.903	.887	.870	.856	.829
67	.989	.976	.967	.957	.948	.936	.927	.918	.910	.899	.883	.866	.851	.823
66	.989	.976	.966	.956	.946	.934	.924	.915	.907	.896	.879	.861	.847	.817
65	.989	.975	.964	.954	.944	.932	.921	.913	.903	.893	.875	.857	.842	.812
64	.988	.974	.963	.953	.942	.929	.919	.910	.900	.889	.871	.852	.837	.806
63	.988	.973	.962	.951	.940	.927	.916	.907	.897	.886	.867	.848	.832	.801
62	.987	.972	.961	.950	.939	.925	.914	.904	.894	.882	.864	.844	.827	.795
61	.987	.971	.960	.948	.937	.923	.911	.901	.891	.879	.860	.839	.823	.789
60	.987	.971	.959	.947	.935	.921	.909	.899	.888	.875	.856	.835	.818	.784
59	.986	.970	.958	.945	.933	.918	.906	.896	.885	.872	.852	.830	.813	.778
58	.986	.969	.957	.944	.931	.916	.904	.893	.882	.869	.848	.826	.808	.772
57	.985	.968	.955	.942	.930	.914	.901	.890	.879	.865	.844	.821	.803	.767
56	.985	.967	.954	.941	.928	.912	.899	.887	.876	.862	.840	.817	.798	.761
55	.985	.967	.953	.940	.926	.910	.896	.885	.873	.859	.836	.813	.794	.757
54	.984	.966	.952	.938	.924	.908	.894	.882	.870	.856	.834	.810	.791	.753
53	.984	.965	.951	.937	.922	.905	.892	.880	.867	.853	.831	.807	.787	.750
52	.983	.964	.950	.935	.921	.903	.890	.878	.864	.851	.828	.804	.784	.746
51	.983	.963	.949	.934	.919	.901	.888	.875	.862	.848	.825	.801	.781	.742
50	.983	.963	.948	.932	.917	.899	.886	.873	.859	.845	.822	.798	.778	.739
49	.982	.962	.946	.931	.915	.897	.883	.871	.857	.843	.819	.795	.774	.735
48	.982	.961	.945	.929	.913	.895	.881	.868	.855	.840	.816	.792	.771	.732
47	.981	.960	.944	.928	.912	.894	.879	.866	.852	.837	.813	.789	.768	.728
46	.981	.959	.943	.926	.910	.892	.877	.863	.850	.835	.810	.786	.765	.725
45	.981	.958	.942	.925	.909	.890	.875	.861	.847	.832	.807	.783	.761	.721
44	.980	.958	.941	.923	.907	.888	.873	.859	.845	.829	.804	.780	.758	.718
43	.980	.957	.940	.922	.905	.886	.871	.856	.843	.827	.801	.777	.755	.714
42	.980	.956	.939	.921	.904	.884	.869	.854	.840	.824	.798	.774	.752	.710
41	.979	.956	.937	.919	.902	.882	.867	.852	.838	.821	.796	.771	.748	.707
40	.979	.955	.936	.918	.901	.881	.865	.849	.835	.819	.793	.768	.745	.703
39	.979	.954	.935	.916	.899	.879	.863	.847	.833	.816	.790	.765	.742	.700
38	.978	.954	.934	.915	.897	.877	.860	.845	.831	.813	.787	.762	.739	.696
37	.978	.953	.933	.914	.896	.875	.858	.842	.828	.811	.784	.759	.735	.693
36	.978	.952	.932	.912	.894	.873	.856	.840	.826	.808	.781	.756	.732	.689
35	.978	.951	.930	.911	.892	.871	.854	.838	.824	.806	.779	.754	.730	.687
34	.977	.950	.929	.909	.891	.870	.852	.836	.822	.804	.777	.752	.728	.686
33	.977	.950	.928	.908	.889	.868	.850	.834	.820	.802	.775	.750	.726	.684
32	.976	.949	.927	.906	.887	.866	.848	.832	.818	.799	.772	.748	.724	.682
31	.976	.948	.926	.905	.886	.865	.847	.830	.816	.797	.770	.746	.722	.681
30	.975	.947	.925	.904	.884	.863	.845	.828	.814	.795	.768	.744	.719	.679

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
29	.975	.946	.924	.902	.882	.861	.843	.826	.812	.793	.766	.742	.717	.677
28	.974	.946	.923	.901	.881	.859	.841	.824	.810	.791	.764	.740	.715	.675
27	.974	.945	.922	.899	.879	.858	.839	.822	.808	.789	.762	.738	.713	.674
26	.974	.944	.921	.898	.878	.856	.837	.821	.806	.787	.760	.736	.711	.672
25	.973	.943	.919	.897	.876	.854	.835	.819	.803	.784	.757	.733	.709	.670
24	.973	.942	.918	.895	.874	.853	.833	.817	.801	.782	.755	.731	.707	.669
23	.972	.942	.917	.894	.873	.851	.831	.815	.799	.780	.753	.729	.705	.667
22	.972	.941	.916	.892	.871	.849	.829	.813	.797	.778	.751	.727	.703	.665
21	.971	.940	.915	.891	.869	.848	.828	.811	.795	.776	.749	.725	.701	.664
20	.971	.939	.914	.890	.868	.846	.826	.809	.793	.774	.747	.723	.698	.662
19	.970	.938	.913	.888	.866	.844	.824	.807	.791	.771	.744	.721	.696	.660
18	.970	.938	.912	.887	.864	.842	.822	.805	.789	.769	.742	.719	.694	.658
17	.969	.937	.911	.885	.863	.841	.820	.803	.787	.767	.740	.717	.692	.657
16	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
15	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
14	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
13	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
12	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
11	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
10	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
9	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
8	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
7	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
6	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
5	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91904 TABLE V.

RETROSPECTIVE RATING PLAN A2
 MINIMUM PREMIUM RATIOS
 AND BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = $(\frac{.692}{.630})$
 Effective (January 1, 1986) July 1, 1988

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group																
84	Basic Premium Ratio		.514	.504	.497	.491	.485	.481	.477	.474	.470	.467	.461	.455	.450	.441
	Minimum Premium Ratio		.994	.986	.981	.975	.969	.964	.960	.955	.951	.944	.936	.927	.918	.902
83	Basic Premium Ratio		.513	.503	.495	.488	.482	.477	.473	.469	.466	.462	.456	.450	.445	.435
	Minimum Premium Ratio		.993	.985	.979	.973	.967	.962	.957	.951	.947	.940	.931	.921	.912	.894
82	Basic Premium Ratio		.512	.501	.492	.485	.479	.474	.469	.466	.461	.458	.451	.445	.440	.429
	Minimum Premium Ratio		.993	.984	.978	.971	.964	.959	.953	.947	.943	.936	.926	.916	.906	.887
81	Basic Premium Ratio		.510	.499	.489	.483	.476	.471	.465	.461	.457	.453	.446	.440	.434	.424
	Minimum Premium Ratio		.992	.983	.976	.969	.962	.956	.950	.944	.939	.931	.921	.910	.899	.880
80	Basic Premium Ratio		.509	.496	.487	.479	.472	.467	.461	.457	.453	.449	.441	.435	.429	.417
	Minimum Premium Ratio		.991	.982	.975	.967	.959	.953	.947	.940	.935	.927	.916	.904	.893	.873
79	Basic Premium Ratio		.508	.495	.484	.476	.468	.463	.458	.453	.448	.444	.437	.430	.423	.411
	Minimum Premium Ratio		.990	.981	.973	.965	.957	.950	.943	.936	.930	.923	.911	.898	.887	.865
78	Basic Premium Ratio		.505	.492	.482	.474	.466	.459	.454	.449	.444	.440	.432	.425	.418	.405
	Minimum Premium Ratio		.990	.980	.972	.963	.955	.947	.940	.933	.926	.919	.906	.893	.881	.858
77	Basic Premium Ratio		.505	.491	.479	.470	.463	.457	.450	.446	.440	.436	.427	.420	.412	.399
	Minimum Premium Ratio		.989	.979	.970	.960	.952	.944	.936	.929	.922	.914	.901	.887	.875	.851
76	Basic Premium Ratio		.504	.490	.477	.468	.459	.453	.446	.441	.435	.431	.422	.413	.406	.393
	Minimum Premium Ratio		.988	.978	.969	.958	.950	.941	.933	.926	.918	.910	.896	.881	.869	.844
75	Basic Premium Ratio		.503	.486	.474	.465	.456	.449	.441	.436	.431	.426	.417	.408	.401	.386
	Minimum Premium Ratio		.988	.977	.967	.956	.947	.938	.929	.922	.914	.906	.891	.876	.865	.836
74	Basic Premium Ratio		.500	.485	.472	.461	.452	.445	.438	.432	.426	.421	.411	.403	.395	.380
	Minimum Premium Ratio		.987	.976	.966	.954	.945	.935	.926	.918	.910	.901	.886	.870	.856	.829
73	Basic Premium Ratio		.499	.482	.469	.458	.449	.441	.434	.428	.421	.417	.406	.398	.389	.374
	Minimum Premium Ratio		.986	.975	.964	.952	.942	.933	.923	.915	.906	.897	.881	.864	.850	.822
72	Basic Premium Ratio		.498	.480	.465	.455	.446	.438	.431	.423	.418	.412	.401	.392	.383	.367
	Minimum Premium Ratio		.985	.974	.963	.950	.940	.930	.919	.911	.901	.893	.875	.858	.844	.814

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
71	Basic Premium Ratio	.495	.477	.463	.451	.442	.433	.426	.419	.412	.407	.396	.387	.377	.360
	Minimum Premium Ratio	.985	.972	.961	.948	.937	.927	.915	.907	.896	.888	.869	.852	.837	.806
70	Basic Premium Ratio	.494	.476	.460	.448	.438	.430	.421	.414	.407	.402	.391	.380	.371	.353
	Minimum Premium Ratio	.984	.971	.959	.945	.934	.923	.911	.903	.891	.882	.863	.845	.830	.799
69	Basic Premium Ratio	.494	.472	.456	.445	.434	.425	.417	.410	.403	.396	.385	.375	.365	.347
	Minimum Premium Ratio	.983	.969	.956	.943	.931	.919	.907	.898	.886	.877	.857	.839	.823	.791
68	Basic Premium Ratio	.490	.468	.454	.441	.430	.421	.412	.404	.397	.392	.380	.368	.358	.340
	Minimum Premium Ratio	.983	.968	.954	.940	.928	.916	.903	.893	.881	.872	.851	.833	.816	.783
67	Basic Premium Ratio	.489	.467	.450	.437	.425	.416	.408	.400	.392	.386	.373	.363	.352	.334
	Minimum Premium Ratio	.982	.966	.952	.937	.924	.912	.899	.889	.876	.866	.845	.826	.809	.775
66	Basic Premium Ratio	.485	.463	.446	.433	.421	.412	.403	.395	.387	.381	.367	.357	.346	.327
	Minimum Premium Ratio	.981	.965	.950	.934	.921	.908	.895	.884	.871	.861	.840	.820	.802	.767
65	Basic Premium Ratio	.485	.461	.444	.429	.418	.407	.398	.390	.382	.375	.362	.350	.340	.321
	Minimum Premium Ratio	.980	.963	.948	.931	.918	.904	.891	.879	.866	.856	.834	.814	.795	.759
64	Basic Premium Ratio	.481	.458	.440	.426	.414	.403	.394	.385	.377	.369	.357	.344	.333	.314
	Minimum Premium Ratio	.979	.961	.946	.928	.915	.900	.887	.874	.861	.850	.828	.807	.788	.751
63	Basic Premium Ratio	.480	.454	.436	.421	.409	.398	.388	.380	.372	.364	.351	.338	.328	.307
	Minimum Premium Ratio	.979	.960	.943	.926	.912	.896	.883	.870	.856	.845	.822	.801	.781	.744
62	Basic Premium Ratio	.476	.452	.431	.418	.404	.393	.384	.375	.367	.359	.344	.331	.321	.301
	Minimum Premium Ratio	.978	.958	.941	.923	.908	.893	.879	.865	.851	.840	.816	.795	.774	.736
61	Basic Premium Ratio	.475	.448	.430	.413	.400	.388	.378	.370	.361	.353	.339	.326	.314	.294
	Minimum Premium Ratio	.977	.957	.939	.920	.905	.889	.875	.860	.846	.834	.810	.788	.767	.728
60	Basic Premium Ratio	.471	.444	.425	.409	.395	.383	.374	.363	.355	.347	.332	.319	.307	.286
	Minimum Premium Ratio	.976	.955	.937	.917	.902	.885	.871	.856	.841	.829	.804	.782	.760	.720
59	Basic Premium Ratio	.470	.443	.421	.404	.391	.379	.368	.358	.349	.341	.325	.312	.301	.279
	Minimum Premium Ratio	.975	.954	.935	.914	.899	.881	.867	.851	.836	.823	.798	.775	.753	.712
58	Basic Premium Ratio	.467	.439	.417	.400	.386	.374	.363	.352	.344	.335	.320	.306	.294	.273
	Minimum Premium Ratio	.974	.952	.933	.911	.895	.877	.863	.846	.831	.818	.793	.769	.746	.704
57	Basic Premium Ratio	.466	.435	.412	.395	.381	.368	.357	.347	.338	.330	.313	.299	.287	.266
	Minimum Premium Ratio	.973	.951	.930	.908	.892	.873	.859	.842	.826	.813	.787	.763	.739	.696
56	Basic Premium Ratio	.462	.433	.408	.391	.376	.363	.351	.342	.331	.322	.307	.293	.281	.259
	Minimum Premium Ratio	.972	.949	.928	.905	.888	.869	.855	.837	.821	.807	.781	.756	.732	.689
55	Basic Premium Ratio	.458	.429	.403	.385	.371	.358	.346	.336	.325	.316	.300	.287	.274	.253
	Minimum Premium Ratio	.972	.947	.925	.903	.885	.866	.851	.832	.816	.802	.775	.750	.725	.681
54	Basic Premium Ratio	.456	.424	.399	.381	.366	.353	.340	.329	.320	.311	.294	.280	.267	.246
	Minimum Premium Ratio	.971	.946	.923	.900	.881	.862	.847	.827	.811	.797	.769	.744	.718	.676
53	Basic Premium Ratio	.452	.419	.394	.376	.359	.346	.335	.323	.312	.303	.287	.274	.261	.240
	Minimum Premium Ratio	.969	.944	.920	.897	.878	.858	.843	.823	.807	.792	.764	.739	.713	.671
52	Basic Premium Ratio	.447	.415	.389	.370	.354	.340	.328	.318	.307	.298	.281	.266	.255	.234
	Minimum Premium Ratio	.968	.942	.918	.894	.874	.855	.839	.818	.803	.787	.759	.734	.708	.666
51	Basic Premium Ratio	.443	.410	.384	.365	.349	.335	.322	.310	.301	.292	.275	.260	.248	.227
	Minimum Premium Ratio	.966	.940	.915	.891	.871	.851	.834	.814	.798	.783	.755	.729	.704	.662
50	Basic Premium Ratio	.439	.405	.379	.360	.343	.329	.316	.304	.293	.285	.268	.254	.241	.221
	Minimum Premium Ratio	.965	.938	.913	.888	.867	.847	.830	.810	.794	.778	.750	.724	.699	.657
49	Basic Premium Ratio	.437	.401	.374	.355	.338	.322	.309	.298	.287	.278	.261	.247	.235	.215
	Minimum Premium Ratio	.964	.935	.910	.885	.863	.844	.826	.805	.790	.774	.745	.719	.694	.652
48	Basic Premium Ratio	.433	.396	.369	.348	.330	.316	.303	.291	.281	.271	.255	.241	.229	.208
	Minimum Premium Ratio	.962	.933	.908	.883	.860	.840	.822	.801	.786	.770	.741	.714	.689	.647
47	Basic Premium Ratio	.428	.391	.364	.342	.324	.310	.297	.285	.274	.265	.248	.235	.221	.202
	Minimum Premium Ratio	.961	.931	.905	.880	.856	.837	.818	.797	.781	.765	.736	.710	.684	.642
46	Basic Premium Ratio	.424	.386	.358	.336	.319	.303	.289	.277	.267	.258	.242	.228	.216	.197
	Minimum Premium Ratio	.959	.929	.903	.877	.853	.833	.814	.793	.777	.761	.732	.705	.680	.637
45	Basic Premium Ratio	.419	.381	.350	.329	.311	.296	.283	.271	.260	.251	.235	.222	.211	.192
	Minimum Premium Ratio	.958	.927	.900	.874	.849	.829	.810	.789	.773	.756	.727	.700	.675	.632
44	Basic Premium Ratio	.414	.373	.345	.323	.304	.288	.276	.265	.254	.245	.229	.216	.205	.186
	Minimum Premium Ratio	.957	.925	.898	.871	.846	.826	.806	.785	.768	.752	.723	.695	.670	.627
43	Basic Premium Ratio	.409	.367	.337	.315	.297	.282	.269	.257	.248	.239	.223	.210	.200	.182
	Minimum Premium Ratio	.955	.923	.896	.868	.842	.822	.802	.780	.764	.748	.718	.690	.665	.622
42	Basic Premium Ratio	.405	.362	.331	.309	.291	.275	.262	.251	.240	.232	.216	.203	.193	.175
	Minimum Premium Ratio	.954	.921	.893	.865	.839	.819	.798	.776	.760	.743	.714	.685	.661	.617
41	Basic Premium Ratio	.400	.357	.326	.303	.283	.269	.256	.244	.234	.225	.210	.197	.186	.169
	Minimum Premium Ratio	.952	.919	.891	.863	.835	.815	.794	.772	.756	.739	.709	.680	.656	.612

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
40	Basic Premium Ratio	.395	.349	.321	.295	.277	.263	.249	.238	.227	.219	.203	.190	.179	.163
	Minimum Premium Ratio	.951	.916	.888	.860	.832	.812	.790	.768	.751	.734	.705	.676	.651	.607
39	Basic Premium Ratio	.390	.344	.312	.290	.271	.255	.242	.230	.221	.212	.196	.184	.174	.157
	Minimum Premium Ratio	.950	.914	.886	.857	.828	.808	.786	.764	.747	.730	.700	.671	.646	.603
38	Basic Premium Ratio	.385	.339	.307	.282	.263	.249	.236	.223	.214	.204	.190	.178	.167	.151
	Minimum Premium Ratio	.948	.912	.883	.854	.825	.804	.782	.760	.743	.726	.695	.666	.641	.598
37	Basic Premium Ratio	.376	.330	.298	.276	.257	.241	.228	.216	.207	.198	.183	.171	.161	.146
	Minimum Premium Ratio	.947	.910	.881	.851	.821	.801	.778	.755	.738	.721	.691	.661	.637	.593
36	Basic Premium Ratio	.371	.324	.293	.267	.249	.235	.221	.210	.201	.192	.177	.166	.155	.140
	Minimum Premium Ratio	.945	.908	.879	.848	.819	.797	.775	.751	.736	.717	.686	.658	.632	.588
35	Basic Premium Ratio	.362	.315	.284	.261	.240	.226	.214	.203	.193	.184	.171	.159	.150	.135
	Minimum Premium Ratio	.945	.906	.878	.847	.818	.796	.774	.750	.735	.716	.685	.658	.631	.587
34	Basic Premium Ratio	.353	.306	.275	.252	.234	.220	.207	.196	.187	.179	.164	.154	.144	.130
	Minimum Premium Ratio	.944	.904	.876	.846	.817	.795	.773	.749	.734	.715	.684	.657	.631	.588
33	Basic Premium Ratio	.347	.297	.268	.243	.226	.212	.199	.189	.179	.171	.158	.148	.139	.125
	Minimum Premium Ratio	.944	.904	.875	.844	.816	.794	.772	.748	.733	.715	.684	.657	.631	.588
32	Basic Premium Ratio	.338	.288	.259	.237	.219	.204	.193	.182	.173	.166	.153	.142	.134	.121
	Minimum Premium Ratio	.943	.903	.874	.843	.815	.793	.771	.747	.732	.714	.684	.657	.632	.589
31	Basic Premium Ratio	.329	.282	.251	.229	.211	.197	.185	.176	.167	.160	.148	.137	.130	.117
	Minimum Premium Ratio	.943	.903	.873	.842	.814	.792	.769	.746	.731	.714	.683	.656	.632	.590
30	Basic Premium Ratio	.319	.273	.242	.220	.205	.191	.179	.169	.160	.154	.141	.132	.125	.113
	Minimum Premium Ratio	.942	.902	.872	.840	.813	.791	.768	.745	.730	.713	.683	.656	.632	.591
29	Basic Premium Ratio	.310	.264	.235	.213	.196	.183	.172	.163	.155	.148	.136	.128	.121	.110
	Minimum Premium Ratio	.942	.902	.870	.839	.812	.790	.767	.744	.729	.713	.683	.656	.632	.591
28	Basic Premium Ratio	.301	.255	.227	.205	.188	.177	.166	.157	.148	.141	.130	.122	.115	.103
	Minimum Premium Ratio	.941	.901	.869	.838	.811	.789	.766	.743	.728	.712	.682	.655	.632	.592
27	Basic Premium Ratio	.295	.248	.218	.199	.182	.169	.157	.148	.141	.134	.123	.114	.106	.095
	Minimum Premium Ratio	.941	.900	.868	.837	.810	.788	.765	.742	.727	.712	.682	.665	.632	.593
26	Basic Premium Ratio	.286	.240	.212	.191	.174	.161	.151	.140	.134	.127	.115	.107	.099	.088
	Minimum Premium Ratio	.940	.900	.867	.835	.809	.787	.764	.741	.726	.712	.682	.655	.632	.593
25	Basic Premium Ratio	.276	.230	.203	.182	.167	.154	.143	.134	.126	.119	.109	.100	.093	.083
	Minimum Premium Ratio	.940	.899	.866	.834	.808	.786	.763	.740	.725	.711	.682	.654	.632	.594
24	Basic Premium Ratio	.266	.221	.194	.175	.159	.147	.137	.129	.121	.114	.105	.097	.090	.080
	Minimum Premium Ratio	.939	.899	.865	.833	.807	.785	.762	.739	.724	.711	.681	.654	.632	.595
23	Basic Premium Ratio	.253	.212	.185	.166	.153	.141	.131	.123	.116	.110	.101	.093	.087	.078
	Minimum Premium Ratio	.939	.898	.863	.831	.806	.784	.761	.738	.723	.710	.681	.654	.633	.596
22	Basic Premium Ratio	.244	.202	.176	.158	.145	.134	.124	.118	.112	.106	.097	.090	.084	.076
	Minimum Premium Ratio	.939	.898	.862	.830	.805	.783	.760	.737	.722	.710	.681	.653	.633	.596
21	Basic Premium Ratio	.230	.193	.169	.152	.139	.128	.119	.112	.107	.102	.093	.087	.082	.075
	Minimum Premium Ratio	.935	.897	.861	.829	.804	.782	.759	.736	.721	.709	.680	.653	.633	.597
20	Basic Premium Ratio	.220	.183	.160	.143	.131	.121	.113	.107	.102	.097	.089	.083	.079	.072
	Minimum Premium Ratio	.930	.896	.860	.828	.803	.781	.758	.735	.720	.709	.680	.653	.633	.598
19	Basic Premium Ratio	.215	.177	.152	.137	.124	.115	.107	.101	.096	.092	.084	.079	.075	.068
	Minimum Premium Ratio	.924	.891	.859	.826	.802	.780	.757	.734	.719	.708	.680	.652	.633	.599
18	Basic Premium Ratio	.205	.168	.145	.129	.117	.108	.100	.095	.090	.086	.079	.075	.071	.066
	Minimum Premium Ratio	.919	.887	.858	.825	.801	.779	.756	.733	.718	.708	.679	.652	.633	.599
17	Basic Premium Ratio	.196	.159	.137	.121	.111	.102	.095	.090	.085	.081	.075	.071	.068	.063
	Minimum Premium Ratio	.913	.882	.853	.824	.800	.778	.755	.732	.717	.708	.679	.652	.633	.599
16	Basic Premium Ratio	.186	.150	.128	.114	.103	.095	.090	.085	.080	.077	.072	.068	.065	.061
	Minimum Premium Ratio	.908	.877	.849	.822	.799	.777	.754	.731	.716	.707	.679	.651	.633	.599
15	Basic Premium Ratio	.176	.141	.121	.108	.098	.090	.085	.080	.077	.074	.069	.066	.063	.059
	Minimum Premium Ratio	.902	.872	.845	.820	.798	.776	.753	.730	.715	.707	.678	.651	.633	.599
14	Basic Premium Ratio	.172	.135	.113	.103	.093	.088	.082	.078	.075	.072	.068	.065	.062	.059
	Minimum Premium Ratio	.897	.868	.841	.817	.795	.774	.752	.729	.714	.706	.678	.651	.634	.598
13	Basic Premium Ratio	.164	.126	.108	.097	.091	.084	.080	.076	.073	.070	.067	.064	.062	.058
	Minimum Premium Ratio	.892	.863	.837	.813	.791	.771	.751	.728	.713	.706	.678	.650	.634	.598
12	Basic Premium Ratio	.158	.117	.102	.094	.087	.082	.077	.074	.071	.069	.066	.063	.061	.058
	Minimum Premium Ratio	.886	.858	.833	.810	.788	.769	.749	.727	.712	.705	.677	.650	.633	.597
11	Basic Premium Ratio	.149	.107	.095	.089	.083	.079	.075	.072	.069	.068	.064	.062	.060	.057
	Minimum Premium Ratio	.881	.853	.829	.806	.785	.766	.748	.726	.711	.705	.676	.650	.632	.597
10	Basic Premium Ratio	.144	.100	.091	.085	.080	.075	.073	.070	.068	.066	.063	.061	.059	.057
	Minimum Premium Ratio	.875	.849	.825	.802	.782	.763	.746	.725	.710	.704	.675	.650	.632	.597

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
9	Basic Premium Ratio	.134	.093	.086	.081	.077	.073	.070	.068	.066	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.870	.844	.820	.799	.779	.761	.744	.724	.709	.704	.674	.649	.631	.596
8	Basic Premium Ratio	.121	.087	.082	.077	.074	.070	.068	.066	.065	.063	.061	.059	.058	.056
	Minimum Premium Ratio	.864	.839	.816	.795	.776	.758	.741	.723	.708	.704	.673	.649	.630	.596
7	Basic Premium Ratio	.106	.082	.077	.074	.070	.068	.066	.064	.063	.062	.060	.058	.057	.056
	Minimum Premium Ratio	.859	.834	.812	.792	.773	.755	.739	.722	.707	.703	.671	.649	.630	.596
6	Basic Premium Ratio	.092	.077	.074	.070	.068	.066	.064	.063	.061	.060	.058	.057	.057	.055
	Minimum Premium Ratio	.853	.830	.808	.788	.770	.753	.737	.721	.706	.695	.670	.648	.629	.595
5	Basic Premium Ratio	.092	.073	.070	.067	.065	.064	.062	.061	.060	.059	.057	.057	.056	.055
	Minimum Premium Ratio	.848	.825	.804	.785	.767	.750	.734	.720	.705	.693	.669	.648	.629	.595

AMENDATORY SECTION (Amending Order 86-29, filed 8/8/86)

WAC 296-17-91905 TABLE VI.

RETROSPECTIVE RATING PLAN A3
 MINIMUM PREMIUM RATIOS
 AND BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = $(\frac{.692}{.630})$
 Effective ((January 1, 1986)) July 1, 1988

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
84	Basic Premium Ratio	.820	.813	.793	.783	.777	.766	.759	.732	.736	.727	.722	.706	.694	.673
	Minimum Premium Ratio	.986	.973	.964	.956	.948	.942	.935	.931	.924	.919	.909	.900	.891	.874
83	Basic Premium Ratio	.820	.812	.790	.780	.772	.760	.753	.728	.730	.721	.715	.698	.685	.663
	Minimum Premium Ratio	.985	.972	.962	.953	.944	.937	.931	.925	.919	.913	.903	.892	.883	.865
82	Basic Premium Ratio	.820	.810	.788	.776	.767	.755	.747	.724	.724	.715	.707	.690	.677	.653
	Minimum Premium Ratio	.984	.970	.958	.949	.940	.932	.925	.920	.913	.907	.896	.885	.876	.857
81	Basic Premium Ratio	.820	.808	.786	.772	.763	.750	.742	.720	.718	.709	.699	.683	.668	.643
	Minimum Premium Ratio	.981	.967	.954	.946	.936	.928	.920	.913	.907	.901	.889	.878	.868	.849
80	Basic Premium Ratio	.820	.806	.783	.768	.758	.745	.736	.716	.712	.703	.692	.675	.659	.633
	Minimum Premium Ratio	.981	.964	.951	.941	.931	.923	.915	.909	.901	.895	.882	.871	.860	.839
79	Basic Premium Ratio	.820	.804	.781	.765	.753	.739	.730	.712	.706	.697	.684	.667	.651	.622
	Minimum Premium Ratio	.979	.962	.948	.938	.927	.918	.910	.903	.895	.888	.876	.864	.852	.831
78	Basic Premium Ratio	.820	.803	.779	.761	.749	.734	.725	.708	.700	.691	.677	.659	.642	.612
	Minimum Premium Ratio	.976	.959	.945	.934	.924	.913	.905	.897	.890	.882	.869	.856	.844	.821
77	Basic Premium Ratio	.820	.801	.776	.757	.744	.729	.719	.704	.694	.684	.669	.651	.633	.602
	Minimum Premium Ratio	.975	.957	.942	.930	.919	.910	.900	.893	.884	.876	.862	.849	.836	.813
76	Basic Premium Ratio	.820	.799	.774	.754	.740	.724	.713	.700	.688	.678	.661	.644	.625	.592
	Minimum Premium Ratio	.974	.956	.940	.927	.915	.905	.895	.886	.878	.870	.855	.840	.828	.804
75	Basic Premium Ratio	.820	.797	.772	.750	.735	.718	.707	.696	.682	.672	.654	.636	.616	.582
	Minimum Premium Ratio	.974	.952	.936	.923	.911	.899	.889	.881	.872	.863	.848	.833	.820	.794
74	Basic Premium Ratio	.820	.795	.769	.746	.730	.713	.702	.692	.676	.666	.646	.628	.607	.572
	Minimum Premium Ratio	.970	.950	.934	.918	.906	.894	.884	.875	.866	.857	.840	.825	.811	.786
73	Basic Premium Ratio	.820	.794	.767	.743	.726	.708	.696	.688	.670	.660	.638	.620	.599	.562
	Minimum Premium Ratio	.969	.946	.929	.915	.902	.889	.879	.869	.859	.851	.833	.818	.803	.776
72	Basic Premium Ratio	.820	.792	.765	.739	.721	.703	.690	.684	.664	.654	.631	.613	.590	.552
	Minimum Premium Ratio	.968	.944	.925	.912	.898	.886	.874	.863	.854	.844	.826	.810	.795	.767
71	Basic Premium Ratio	.820	.790	.759	.734	.715	.697	.682	.674	.655	.645	.620	.602	.578	.540
	Minimum Premium Ratio	.965	.941	.923	.907	.893	.880	.868	.857	.847	.837	.819	.802	.786	.757
70	Basic Premium Ratio	.820	.788	.752	.729	.709	.690	.674	.665	.647	.636	.609	.591	.567	.529
	Minimum Premium Ratio	.964	.939	.919	.903	.889	.875	.862	.852	.841	.831	.812	.793	.778	.747
69	Basic Premium Ratio	.820	.785	.746	.723	.703	.684	.666	.655	.638	.626	.598	.579	.555	.517
	Minimum Premium Ratio	.963	.935	.914	.899	.883	.869	.857	.846	.835	.823	.804	.786	.770	.738
68	Basic Premium Ratio	.820	.783	.739	.718	.697	.677	.658	.645	.629	.617	.587	.568	.543	.505
	Minimum Premium Ratio	.959	.931	.912	.894	.878	.864	.851	.839	.828	.817	.797	.777	.760	.729
67	Basic Premium Ratio	.820	.779	.736	.712	.690	.670	.651	.636	.621	.608	.577	.558	.533	.495
	Minimum Premium Ratio	.957	.929	.907	.889	.873	.858	.845	.833	.821	.810	.789	.770	.752	.719
66	Basic Premium Ratio	.820	.776	.732	.707	.682	.663	.643	.628	.613	.599	.568	.548	.523	.485
	Minimum Premium Ratio	.954	.925	.903	.885	.868	.853	.839	.826	.814	.803	.781	.761	.744	.709

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
65	Basic Premium Ratio	.820	.772	.729	.701	.675	.655	.636	.619	.604	.590	.558	.537	.513	.475
	Minimum Premium Ratio	.953	.923	.900	.880	.864	.847	.833	.821	.808	.796	.773	.753	.735	.701
64	Basic Premium Ratio	.820	.768	.725	.695	.667	.648	.628	.610	.596	.581	.548	.527	.503	.465
	Minimum Premium Ratio	.949	.919	.895	.877	.859	.841	.827	.814	.801	.788	.766	.744	.726	.691
63	Basic Premium Ratio	.820	.764	.719	.690	.661	.641	.620	.601	.586	.571	.538	.517	.492	.454
	Minimum Premium Ratio	.948	.914	.891	.871	.853	.835	.820	.807	.794	.781	.758	.736	.718	.682
62	Basic Premium Ratio	.820	.759	.714	.684	.656	.634	.612	.592	.576	.562	.529	.507	.482	.444
	Minimum Premium Ratio	.944	.912	.886	.867	.848	.830	.815	.801	.788	.774	.750	.727	.708	.672
61	Basic Premium Ratio	.820	.755	.708	.679	.650	.627	.603	.582	.566	.552	.519	.496	.471	.433
	Minimum Premium Ratio	.943	.908	.884	.861	.843	.824	.808	.794	.781	.767	.743	.719	.699	.662
60	Basic Premium Ratio	.820	.750	.702	.673	.644	.620	.595	.573	.556	.542	.509	.486	.460	.422
	Minimum Premium Ratio	.939	.904	.879	.856	.837	.818	.802	.787	.773	.758	.734	.710	.690	.652
59	Basic Premium Ratio	.813	.743	.696	.664	.635	.611	.586	.564	.546	.532	.499	.475	.449	.411
	Minimum Premium Ratio	.937	.902	.874	.851	.832	.812	.795	.780	.766	.751	.725	.701	.681	.642
58	Basic Premium Ratio	.806	.737	.690	.655	.626	.602	.577	.555	.537	.522	.489	.464	.439	.401
	Minimum Premium Ratio	.934	.898	.869	.846	.825	.806	.789	.773	.759	.743	.718	.693	.672	.633
57	Basic Premium Ratio	.798	.730	.684	.645	.617	.593	.568	.545	.527	.511	.479	.452	.428	.390
	Minimum Premium Ratio	.932	.893	.864	.840	.820	.799	.781	.766	.752	.736	.709	.684	.663	.624
56	Basic Premium Ratio	.791	.723	.678	.636	.608	.584	.559	.536	.517	.501	.469	.441	.417	.379
	Minimum Premium Ratio	.928	.890	.859	.835	.814	.793	.775	.759	.743	.727	.701	.676	.654	.614
55	Basic Premium Ratio	.788	.717	.672	.629	.600	.575	.550	.526	.507	.491	.459	.432	.408	.370
	Minimum Premium Ratio	.924	.886	.854	.829	.808	.787	.768	.753	.736	.720	.692	.667	.645	.606
54	Basic Premium Ratio	.785	.710	.665	.623	.592	.566	.541	.517	.498	.481	.449	.423	.398	.361
	Minimum Premium Ratio	.922	.881	.849	.824	.802	.781	.761	.744	.729	.713	.685	.659	.637	.597
53	Basic Premium Ratio	.782	.704	.659	.616	.584	.556	.532	.507	.488	.470	.439	.413	.389	.352
	Minimum Premium Ratio	.918	.876	.844	.818	.794	.772	.755	.737	.720	.704	.677	.651	.629	.589
52	Basic Premium Ratio	.779	.697	.652	.609	.576	.547	.523	.497	.478	.460	.429	.404	.379	.343
	Minimum Premium Ratio	.913	.871	.838	.812	.789	.766	.747	.731	.713	.697	.669	.642	.621	.581
51	Basic Premium Ratio	.774	.691	.644	.600	.566	.537	.513	.487	.467	.450	.419	.394	.369	.333
	Minimum Premium Ratio	.908	.865	.833	.806	.782	.759	.740	.722	.706	.690	.662	.635	.613	.572
50	Basic Premium Ratio	.769	.685	.636	.591	.556	.527	.502	.477	.457	.440	.408	.383	.359	.323
	Minimum Premium Ratio	.904	.861	.827	.800	.775	.753	.733	.715	.697	.681	.653	.627	.604	.564
49	Basic Premium Ratio	.763	.678	.627	.582	.546	.517	.492	.466	.446	.429	.398	.373	.349	.312
	Minimum Premium Ratio	.902	.856	.821	.795	.769	.744	.724	.708	.690	.673	.645	.619	.596	.556
48	Basic Premium Ratio	.758	.672	.619	.573	.536	.507	.481	.456	.435	.419	.387	.362	.339	.302
	Minimum Premium Ratio	.898	.850	.815	.786	.761	.737	.717	.699	.683	.665	.637	.611	.588	.548
47	Basic Premium Ratio	.749	.663	.607	.562	.525	.496	.470	.445	.424	.408	.377	.353	.330	.295
	Minimum Premium Ratio	.892	.845	.810	.780	.754	.731	.710	.692	.674	.657	.629	.603	.579	.540
46	Basic Premium Ratio	.740	.654	.595	.550	.513	.485	.459	.434	.414	.398	.367	.343	.321	.287
	Minimum Premium Ratio	.888	.839	.804	.773	.748	.723	.702	.683	.666	.650	.621	.595	.572	.533
45	Basic Premium Ratio	.731	.645	.583	.539	.502	.474	.448	.422	.403	.387	.357	.334	.312	.280
	Minimum Premium Ratio	.884	.834	.795	.765	.739	.715	.695	.676	.657	.641	.612	.587	.565	.526
44	Basic Premium Ratio	.722	.636	.571	.527	.490	.463	.437	.411	.392	.376	.347	.324	.303	.272
	Minimum Premium Ratio	.878	.826	.790	.758	.732	.706	.686	.669	.650	.633	.605	.580	.558	.519
43	Basic Premium Ratio	.714	.626	.561	.517	.479	.451	.426	.401	.382	.365	.337	.314	.293	.263
	Minimum Premium Ratio	.873	.820	.781	.750	.723	.699	.679	.659	.643	.627	.598	.572	.551	.513
42	Basic Premium Ratio	.705	.615	.551	.507	.467	.440	.414	.390	.371	.355	.327	.304	.284	.253
	Minimum Premium Ratio	.869	.814	.775	.743	.717	.691	.670	.652	.634	.618	.589	.564	.543	.504
41	Basic Premium Ratio	.697	.605	.540	.496	.456	.428	.403	.380	.361	.344	.316	.294	.274	.244
	Minimum Premium Ratio	.863	.809	.769	.737	.708	.684	.663	.644	.627	.610	.582	.557	.534	.496
40	Basic Premium Ratio	.688	.594	.530	.486	.444	.416	.391	.369	.350	.333	.306	.284	.264	.234
	Minimum Premium Ratio	.858	.800	.763	.728	.702	.677	.656	.636	.618	.603	.574	.548	.526	.489
39	Basic Premium Ratio	.677	.583	.519	.475	.434	.406	.380	.359	.340	.323	.296	.274	.255	.226
	Minimum Premium Ratio	.853	.795	.754	.722	.695	.668	.647	.628	.611	.594	.565	.541	.519	.481
38	Basic Premium Ratio	.666	.573	.508	.464	.424	.395	.370	.348	.329	.313	.286	.264	.246	.218
	Minimum Premium Ratio	.848	.790	.748	.713	.686	.661	.640	.620	.604	.585	.558	.533	.511	.473
37	Basic Premium Ratio	.654	.562	.497	.453	.413	.385	.359	.338	.319	.302	.276	.254	.237	.209
	Minimum Premium Ratio	.839	.781	.739	.707	.679	.652	.631	.611	.595	.577	.549	.525	.503	.466
36	Basic Premium Ratio	.643	.551	.486	.442	.403	.374	.348	.327	.308	.292	.266	.244	.228	.201
	Minimum Premium Ratio	.834	.774	.733	.697	.670	.645	.623	.604	.588	.570	.541	.518	.495	.458
35	Basic Premium Ratio	.631	.538	.473	.429	.392	.363	.338	.317	.299	.283	.257	.236	.220	.194
	Minimum Premium Ratio	.825	.765	.723	.690	.660	.636	.615	.596	.579	.561	.534	.510	.489	.452

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
34	Basic Premium Ratio	.618	.525	.461	.417	.380	.352	.328	.307	.289	.274	.249	.228	.212	.187
	Minimum Premium Ratio	.815	.755	.713	.681	.654	.629	.607	.588	.572	.555	.527	.504	.482	.447
33	Basic Premium Ratio	.606	.511	.448	.404	.369	.341	.317	.297	.280	.264	.240	.220	.203	.179
	Minimum Premium Ratio	.810	.746	.706	.671	.644	.620	.598	.580	.563	.546	.520	.497	.476	.441
32	Basic Premium Ratio	.593	.498	.435	.391	.357	.330	.307	.287	.270	.255	.231	.212	.195	.172
	Minimum Premium Ratio	.800	.736	.697	.664	.637	.611	.591	.572	.556	.539	.513	.490	.470	.436
31	Basic Premium Ratio	.578	.484	.422	.379	.345	.319	.296	.277	.260	.246	.222	.204	.188	.166
	Minimum Premium Ratio	.791	.730	.688	.655	.628	.604	.583	.565	.549	.532	.507	.484	.465	.431
30	Basic Premium Ratio	.563	.470	.409	.367	.333	.308	.285	.266	.251	.237	.214	.196	.181	.159
	Minimum Premium Ratio	.781	.720	.678	.646	.621	.597	.576	.557	.541	.525	.499	.478	.458	.427
29	Basic Premium Ratio	.548	.455	.396	.354	.321	.296	.274	.256	.241	.227	.205	.187	.174	.153
	Minimum Premium Ratio	.772	.711	.671	.638	.611	.588	.567	.550	.535	.518	.493	.473	.453	.422
28	Basic Premium Ratio	.533	.441	.383	.342	.309	.285	.263	.245	.231	.218	.196	.179	.167	.146
	Minimum Premium Ratio	.762	.702	.662	.629	.603	.580	.560	.543	.527	.511	.486	.466	.446	.415
27	Basic Premium Ratio	.519	.427	.369	.329	.297	.273	.251	.233	.219	.206	.185	.168	.156	.136
	Minimum Premium Ratio	.756	.695	.653	.622	.595	.572	.551	.533	.519	.503	.478	.457	.437	.406
26	Basic Premium Ratio	.504	.413	.355	.315	.284	.260	.239	.222	.208	.195	.174	.158	.145	.124
	Minimum Premium Ratio	.747	.686	.646	.614	.587	.563	.543	.525	.511	.494	.469	.449	.428	.398
25	Basic Premium Ratio	.490	.398	.341	.302	.272	.248	.227	.210	.196	.183	.162	.147	.133	.113
	Minimum Premium Ratio	.736	.676	.636	.604	.579	.555	.534	.517	.502	.485	.461	.440	.421	.392
24	Basic Premium Ratio	.475	.384	.327	.288	.259	.235	.215	.198	.184	.171	.151	.136	.123	.104
	Minimum Premium Ratio	.727	.666	.627	.597	.570	.547	.528	.511	.495	.479	.456	.436	.418	.389
23	Basic Premium Ratio	.454	.367	.312	.275	.247	.224	.205	.189	.176	.164	.145	.130	.119	.101
	Minimum Premium Ratio	.713	.657	.617	.587	.563	.540	.521	.505	.489	.474	.451	.432	.414	.386
22	Basic Premium Ratio	.434	.349	.298	.262	.235	.213	.195	.180	.167	.156	.138	.125	.114	.097
	Minimum Premium Ratio	.704	.647	.608	.578	.554	.533	.513	.499	.484	.469	.446	.427	.410	.383
21	Basic Premium Ratio	.408	.332	.283	.248	.222	.201	.184	.171	.159	.149	.132	.119	.110	.094
	Minimum Premium Ratio	.690	.637	.600	.571	.547	.526	.507	.491	.478	.464	.442	.424	.407	.381
20	Basic Premium Ratio	.388	.314	.268	.234	.209	.190	.174	.161	.150	.141	.125	.113	.105	.090
	Minimum Premium Ratio	.680	.627	.591	.562	.539	.518	.500	.485	.472	.458	.436	.419	.402	.377
19	Basic Premium Ratio	.374	.298	.251	.220	.196	.177	.162	.149	.139	.131	.116	.105	.097	.084
	Minimum Premium Ratio	.674	.620	.582	.555	.531	.511	.493	.478	.465	.451	.430	.413	.397	.372
18	Basic Premium Ratio	.355	.281	.237	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
	Minimum Premium Ratio	.664	.611	.575	.546	.523	.503	.485	.471	.458	.444	.424	.409	.392	.369
17	Basic Premium Ratio	.337	.265	.221	.189	.169	.151	.137	.127	.117	.110	.098	.090	.083	.074
	Minimum Premium Ratio	.654	.601	.566	.537	.516	.497	.479	.465	.452	.439	.419	.404	.388	.366
16	Basic Premium Ratio	.318	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
	Minimum Premium Ratio	.644	.592	.557	.530	.508	.488	.473	.459	.447	.434	.415	.399	.384	.362
15	Basic Premium Ratio	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
	Minimum Premium Ratio	.635	.583	.550	.524	.502	.484	.468	.455	.443	.430	.412	.397	.382	.361
14	Basic Premium Ratio	.291	.216	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
	Minimum Premium Ratio	.630	.577	.542	.519	.498	.481	.465	.452	.441	.428	.411	.397	.381	.360
13	Basic Premium Ratio	.275	.199	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
	Minimum Premium Ratio	.622	.568	.537	.513	.495	.478	.463	.450	.440	.427	.410	.396	.381	.360
12	Basic Premium Ratio	.263	.182	.151	.134	.121	.110	.102	.096	.089	.086	.078	.073	.069	.063
	Minimum Premium Ratio	.616	.559	.531	.510	.491	.475	.460	.449	.437	.426	.409	.394	.380	.359
11	Basic Premium Ratio	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
	Minimum Premium Ratio	.608	.549	.524	.505	.488	.472	.458	.447	.436	.424	.407	.393	.379	.359
10	Basic Premium Ratio	.229	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
	Minimum Premium Ratio	.602	.542	.520	.501	.484	.469	.456	.445	.434	.422	.406	.392	.378	.358
9	Basic Premium Ratio	.211	.133	.119	.109	.101	.094	.088	.083	.079	.077	.071	.068	.065	.061
	Minimum Premium Ratio	.593	.535	.515	.497	.481	.467	.453	.442	.432	.421	.405	.392	.378	.358
8	Basic Premium Ratio	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
	Minimum Premium Ratio	.579	.529	.511	.493	.478	.464	.451	.440	.431	.420	.404	.391	.377	.358
7	Basic Premium Ratio	.160	.112	.101	.095	.088	.083	.079	.076	.074	.071	.067	.063	.062	.059
	Minimum Premium Ratio	.565	.524	.506	.490	.475	.462	.449	.439	.430	.418	.403	.389	.376	.357
6	Basic Premium Ratio	.130	.101	.095	.088	.083	.079	.075	.072	.070	.068	.064	.062	.060	.058
	Minimum Premium Ratio	.550	.519	.503	.486	.472	.459	.447	.437	.428	.417	.401	.389	.376	.357
5	Basic Premium Ratio	.099	.092	.087	.081	.078	.074	.071	.069	.067	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.550	.515	.499	.483	.470	.457	.445	.435	.426	.415	.400	.388	.375	.356

WSR 88-09-071**PROPOSED RULES****DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning:

New	WAC	296-14-300	Mental conditions/mental disabilities.
New	WAC	296-14-350	Claim allowance and wage determination in occupational disease cases.
New	WAC	296-14-400	Claim reopening.
New	WAC	296-14-600	Payment of benefits on asbestosis claims.
Amd	WAC	296-18A-450	Vocational rehabilitation plan.
Amd	WAC	296-18A-520	Job modification assistance;

that the agency will at 1:00 p.m., Tuesday, May 24, 1988, in the Auditorium, 1st Floor, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 24, 1988.

The authority under which these rules are proposed is chapters 34.04, 51.08, 51.12 and 51.32 RCW, EHB 1396, SHB 1592, Laws of 1988.

The specific statute these rules are intended to implement is RCW 51.08.140, 51.08.178, 51.32.095, 51.32.160 and 51.32.180.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

Dated: April 20, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 296-14-300 Mental conditions/mental disabilities; 296-14-350 Claim allowance and wage determination in occupational disease cases; 296-14-400 Claim reopening; 296-14-600 Payment of benefits on asbestosis claims; 296-18A-450 Vocational rehabilitation plan; and 296-18A-520 Job modification assistance.

Description of Purpose of the Rules: Will enable the department to administer the 1988 legislation specifically listed in EHB 1396 and SHB 1592, Laws of 1988.

Statutory Authority: Chapters 34.04, 51.08, 51.12 and 51.32 RCW, EHB 1396, SHB 1592, Laws of 1988.

Specific Statute Rule is Intended to Implement: The statutory authority under which these rules are adopted are: RCW 51.08.140, 51.08.178, 51.32.095, 51.32.160 and 51.32.180 and chapter 51.12 RCW.

Summary of the Rules: To establish new sections or to amend sections to chapter 296-14 WAC to assist in the administration of statutory changes enacted by the 1988 legislature. WAC 296-14-300, the rule states that mental conditions or mental disabilities caused by stress do not fall within the definition of occupational disease in RCW 51.08.140. The rule further defines examples of

stress related mental conditions or mental disability situations; WAC 296-14-350, this rule states that the liable insurer is the one on risk at the time of the last injurious exposure. The rule defines which schedule to use to determine compensation for occupational disease claims filed prior to July 1988 and those filed on or after July 1, 1988. Compensation and wage base for claims filed on or after July 1, 1988, shall be determined according to the schedules in effect at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first. The amount of compensation will no longer be dependent upon the date of the contraction of the disease or the date of filing a claim. PPD and other benefits for claims filed on or after July 1, 1988, shall be paid according to schedules in effect when the disease requires medical treatment or becomes disabling; WAC 296-14-400, this rule allows the director to approve medical treatment at any time upon application for reopening of a claim for aggravation or worsening of the workers condition. In addition, the rule defines medical advice or recommendation for purposes of claim closure documentation. The department must act on a claim reopening application within ninety days. The period can be extended for an additional 60 days for good cause. Good cause is defined in the rule. The ninety day limitation period will not apply to claim reopening where the previous closing order has not become final; WAC 296-14-600, this rule establishes criteria and guidelines relating to payment of benefits for a worker when a dispute arises as to the liable insurer between a maritime insurer, self-insurer and the state fund. The rule defines prima facie indicia of injurious exposure. The department has the authority to pay benefits to the worker until the liable insurer initiates payment to the worker. The department will render an order as to the liable insurer. Benefits will be paid on all pending asbestosis claims and any claims filed on or after July 1, 1988. Information regarding asbestosis claims will only be released to persons authorized to receive such information. If the liable insurer is a self-insured employer the rule states that they will have ten days after the department order becomes final to reimburse the department for the benefits that were paid to the worker and establishes a penalty for failure to do so; WAC 296-18A-450, this amendment to the rule extends job modification to a new job with the employer at the time of the injury and a new job with a new employer; and WAC 296-18A-520, this amendment to the rule allows the supervisor's designee to approve job site modification projects, as well as the supervisor.

Reasons Supporting Proposed Rules: To implement legislation passed by the 1988 legislature.

Agency Personnel Responsible for Drafting: Tom Chapman, AG, Ron Gray, Chief of Workers' Benefits and Marie Myerchin, Legal Liaison, Mailstop AX-31G, Department of Labor and Industries, General Administration Building, Olympia, Washington, 98504, (206) 459-3501; Implementation: Robert L. McCallister, Deputy Director for Industrial Insurance, (206) 753-5173, Janet Morris, Assistant Director for Claims Administration, (206) 753-7016, Ronald D. Gray, Chief of

Workers' Benefits, (206) 753-6376, Department of Labor and Industries, General Administration Building, HC-101, Olympia, Washington 98504; and Enforcement: Robert L. McCallister, Deputy Director for Industrial Insurance, (206) 753-5173, Janet Morris, Assistant Director for Claims Administration, (206) 753-7016.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: The Department of Labor and Industries, a governmental agency of the state of Washington.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, or Fiscal Matters: The rules were established to assist the department in the administration of the statutory changes enacted by the 1988 legislature.

Whether the Rule is Necessary as a Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: This statement pertains to revisions in chapters 296-14 and 296-18A WAC, proposed by the Department of Labor and Industries to become effective July 24, 1988, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act, chapter 19.85 RCW.

Existing Rules: Chapter 296-14 and 296-18A WAC define rules pertaining to industrial insurance and rehabilitation review respectively.

Treatment of Small Business Under Existing Rules: The proposed new rules under chapter 296-14 WAC and the amendatory changes to the current rules will not have a disproportionate economic impact on small business. All employers will share equally in the benefit and burden of these new or amended rules.

Effect of Proposed Revisions: These proposals establish criteria and guidelines relating to claim reopening, claim allowance and wage determination in occupational disease claims, stress claims, job modification for workers and payment of benefits on asbestos claims.

NEW SECTION

WAC 296-14-300 MENTAL CONDITION/MENTAL DISABILITIES. Claims based on mental conditions or mental disabilities caused by stress do not fall within the definition of an occupational disease in RCW 51.08.140.

Examples of mental conditions or mental disabilities caused by stress that do not fall within occupational disease shall include, but are not limited to, those conditions and disabilities resulting from:

- (a) Change of employment duties;
- (b) Conflicts with a supervisor;
- (c) Actual or perceived threat of loss of a job or demotion;
- (d) Relationships with supervisors, coworkers, or the public;
- (e) Specific or general job dissatisfaction;
- (f) Work load pressures;
- (g) Subjective perceptions of employment conditions or environment;
- (h) Loss of job or demotion for whatever reason;
- (i) Fear of exposure to chemicals, other substances, or other conditions;
- (j) Objective or subjective stresses of employment;
- (k) Personnel decisions;
- (l) Actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers.

NEW SECTION

WAC 296-14-350 CLAIM ALLOWANCE AND WAGE DETERMINATION IN OCCUPATIONAL DISEASE CASES. (1)

The liable insurer in occupational disease cases is the insurer on risk at the time of the last injurious exposure to the injurious substance or hazard of disease which gave rise to the claim for compensation.

(2) The compensation schedules and wage base for claims filed prior to July 1, 1988, shall be determined according to the schedule in effect and the wage paid, if wage based schedules apply, at the time of the last injurious exposure to the substance or hazard giving rise to the claim for compensation.

(3) The compensation schedules and wage base for claims filed on or after July 1, 1988, shall be determined as follows:

(a) If the worker was employed at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based on the monthly wage paid on that date regardless of whether the worker is employed in the industry that gave rise to the disease or in an unrelated industry.

(b) If the worker was not employed, for causes other than voluntary retirement, at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, compensation shall be based upon the last monthly wage paid.

(c) Benefits shall be paid in accordance with the schedules in effect at the time the disease required medical treatment or became totally or partially disabling, whichever occurred first, without regard to the date of the contraction of the disease or the date of filing the claim.

NEW SECTION

WAC 296-14-400 REOPENINGS FOR BENEFITS. The director at any time may, upon the workers' application to reopen for aggravation or worsening of condition, provide proper and necessary medical and surgical services as authorized under RCW 51.36.010. This provision will not apply to total permanent disability cases, as provision of medical treatment in those cases is limited by RCW 51.36.010.

The seven-year reopening time limitation shall run from the date the first claim closure becomes final and shall apply to all claims regardless of the date of injury. In order for claim closure to become final on claims where closure occurred on or after July 1, 1981, the closure must be documented by medical recommendation, advice or examination. Such documentation is not required for claims closed prior to July 1, 1981.

In order to support a final closure based on medical recommendation or advice the claim file must contain documented information from a doctor, or nurse consultant (departmental) or a nurse practitioner supervised by a doctor. The doctor or nurse consultant or nurse practitioner may be in private practice, acting as a member of a consultation group, employed by a firm, corporation, or state agency.

For the purpose of this section, a "doctor" means the following professions: Medicine and surgery; osteopathic; chiropractic; drugless therapeutic; podiatry; dentistry; optometry. WAC 296-20-01002.

When a claim has been closed by the department or self-insurer for sixty days or longer, the worker must file a written application to reopen the claim. An informal written request filed without accompanying medical substantiation of worsening of the condition will constitute a request to reopen, but the time for taking action on the request shall not commence until an application form provided by the department has been completed in full by the worker and filed with the department or self-insurer as the case may be.

A formal application is when the worker completes and files the application for reopening provided by the department. Upon receipt of an informal request without accompanying medical substantiation of worsening of the worker's condition, the department or self-insurer shall promptly provide the necessary application to the worker for completion.

Applications for reopenings filed on or after July 1, 1988, must be acted upon by the department within ninety days of receipt of the application by the department or the self-insurer. The ninety-day limitation shall not apply if the worker files an appeal or request for reconsideration of the department's denial of the reopening application.

The department may, for good cause, extend the period in which the department must act for an additional sixty days. "Good cause" for such an extension shall include, but not be limited to the following:

- (1) Inability to schedule a necessary medical examination or vocational evaluation within the ninety-day time period;
- (2) Failure of the worker to appear for a medical examination or vocational evaluation;
- (3) Lack of clear or convincing evidence to support reopening or denial of the claim without an independent medical examination;

(4) Examination scheduled timely but cannot be conducted and a report received in sufficient time to render a decision prior to the end of the ninety-day time period.

The department shall make a determination regarding "good cause" in a final order as provided in RCW 51.52.050.

The ninety-day limitation will not apply in instances where the previous closing order has not become final.

NEW SECTION

WAC 296-14-600 PAYMENT OF BENEFITS ON ASBESTOSIS CLAIMS. The department shall furnish the benefits provided under Title 51 RCW to any worker or beneficiary who may have a right or claim for benefits under the maritime laws of the United States resulting from an asbestos-related disease if there are objective clinical findings to substantiate that the worker has an asbestos-related claim for occupational disease; and the worker's employment history has a prima facie indicia of injurious exposure to asbestos fibers while employed in the state of Washington in employment covered under Title 51 RCW.

(1) A worker's employment history will be deemed to have a prima facie indicia of injurious exposure to asbestos fibers if the employment history as contained in the department's file permits a reasonable conclusion that the worker was exposed to asbestos fibers and that such exposure was of sufficient duration to be injurious. "Injurious" means an impairment that is partially or totally disabling, and may be either permanent or temporary.

(2) Whenever the department has determined to pay benefits pursuant to chapter 271, Laws of 1988, the department shall render a decision as to the liable insurer and shall continue to pay benefits until the liable insurer initiates payments or benefits are otherwise properly terminated.

The department shall render its decision in a final order as provided in RCW 51.52.050.

Initiation of payments by a liable insurer shall be deemed to occur on the date such insurer issues a check or warrant or otherwise remits to the worker, beneficiary, or any provider any payment of any benefits owed by such insurer on the claim for asbestosis.

(3) Benefits shall be paid on all pending asbestos claims as of July 1, 1988. Pending claims are those which have not been finally adjudicated by order of the department or the board of industrial insurance appeals or by the entry of a judgment of a superior court or decision of the court of appeals or the supreme court.

If any order of the department granting such benefits is appealed, benefits shall continue, if otherwise available, until a final determination is made by the board of industrial insurance appeals or the courts, or upon initiation of payments by a liable insurer.

(4) If benefits are paid by the department on an asbestos claim, and it is determined by the department that such benefits are owed to the worker or beneficiary by an insurer under the maritime laws of the United States or by another federal program other than the Federal Social Security, Old Age Survivors and Disability Insurance Act, 42 U.S.C., the department shall pursue such insurer or program to recover such benefits as may have been paid by the department.

The determination by the department shall be expressed in a final order as provided by RCW 51.52.050.

(5) Whenever a self-insured employer is determined to be liable, the self-insured employer shall reimburse benefits to the department within ten days after the department order becomes final and binding. Failure to do so shall subject the employer to a penalty as authorized in RCW 51.48.080.

(6) The director's discretion to waive recovery of the benefits paid to the claimant or beneficiary shall be exercised in accordance with WAC 296-14-200 (3)(c).

(7) No information obtained under this section is subject to release by subpoena or other legal process. The department will release information only to those persons authorized access to claim files by RCW 51.28.070.

AMENDATORY SECTION (Amending Order 87-09, filed 3/20/87)

WAC 296-18A-450 VOCATIONAL REHABILITATION PLAN. (1) A vocational rehabilitation plan shall be approved by the

referral source prior to its implementation. The plan shall be sent to all individuals with responsibilities under it. The plan shall contain the following:

(a) Assessment of the skills and abilities, based on the physical capacities and mental status, aptitudes, and transferrable skills of the injured worker;

(b) The services necessary to enable the injured worker to become employable at gainful employment;

(c) Labor market information indicating the employability of the injured worker at plan completion;

(d) An estimate of the cost and the time necessary for the completion of the plan;

(e) A direct comparison of the injured worker's skills with potential types of employment to demonstrate a likelihood of success;

(f) If necessary, a job analysis of the injured worker's previous occupation, including earnings, may be included; and

(g) Any other information that will significantly affect the plan.

(2) The following priorities shall be addressed and justification given to why each preceding priority was not used.

(a) Return to the previous job with the same employer;

(b) Modification of the previous job with the same employer including transitional return to work;

(c) A new job with the same employer in keeping with any limitations or restrictions;

(d) Modification of a new job with the same employer including transitional return to work;

(e) Modification of the previous job with a new employer;

~~((e))~~ (f) A new job with a new employer or self-employment based upon transferable skills;

~~((ff))~~ (g) A new job with a new employer or self-employment involving on-the-job training; ~~(and~~

~~(g))~~ (h) Modification of a new job with a new employer; and

(i) Short-term retraining and job placement.

(3) Each plan shall be signed by the vocational rehabilitation counselor and the injured worker. In state fund cases, a copy will be sent to the employer, attending physician, department, injured worker and any parties with responsibilities within the plan by the vocational rehabilitation counselor. The following statement shall be printed above the signatures:

I have read the above plan and understand its contents. By signing this plan I agree to faithfully execute my responsibilities described in it.

(4) If the plan is interrupted for good cause this case will be returned to the referral source at the discretion of the referral source. At the end of such interruption, the referral source may return the referral to the original vocational provider to resume the plan or its preparation.

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85)

WAC 296-18A-520 JOB MODIFICATION ASSISTANCE. (1) As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32-.250), the supervisor or supervisor's designee in his or her discretion may pay job modification costs in an amount not to exceed five thousand dollars from the department per worker per job modification. This payment is intended to be a cooperative participation with the employer and funds shall be taken from the appropriate account within the second injury fund. The employer may add to this amount with their own contribution.

(2) An employer requesting job modification assistance must submit to the department a job modification assistance application.

(3) The job modification assistance application shall include, but not be limited to:

(a) A document supporting the need for job modification;

(b) A description of the job modification; and

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department.

(4) The supervisor or supervisor's designee shall accept, reject, or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

WSR 88-09-072
PROPOSED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning medical aid rules and maximum fee schedule. WAC 296-20-210 and 296-21-035 dealing with allowing injured workers to have a person accompany them during independent medical or disability examinations;

that the agency will at 10:00 a.m., Tuesday, May 24, 1988, in the First Floor Conference Room, General Administration Building, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 24, 1988.

The authority under which these rules are proposed is RCW 51.04.020(4) and 51.04.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

The agency reserves the right to modify the text of these proposed rules and changes prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public hearing.

Written and/or oral submissions may also contain data, views and arguments of the rules on economic values, pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and proposed rules should be addressed to:

Bill Stoner, R.N.
 Provider Education
 Department of Labor and Industries
 General Administration Building
 Mailstop HC-251-2
 Olympia, Washington 98504

Dated: April 20, 1988

By: Joseph A. Dear
 Director

STATEMENT OF PURPOSE

The proposal for rule changes, which follow, amend portions of chapters 296-20 and 296-21 WAC. This title [chapter] pertains to rules and fees for medical services.

Purpose of These Proposed Rules: To make the following substantive changes in Title 296 WAC as previously enacted: Revise rules and fee schedule pertaining to reimbursement of health service providers for service on workers' compensation claims.

Statutory Authority: RCW 51.04.020(4), 51.04.030 and 51.36.080.

In Summary: The medical aid rules have been amended to allow injured workers to have a person accompany them during independent medical or disability examinations that are requested by the department or self-insurer.

Agency Personnel Responsible for Drafting: Bill Stoner, R.N. and Taylor Dennen; Implementation and

Enforcement: Joseph A. Dear and other Industrial Insurance Division personnel.

These rule changes are proposed by the Department of Labor and Industries, an agency of the state of Washington.

The proposing agency has no comments regarding statutory language, implementation, enforcement or fiscal matters beyond those appearing above in this statement.

These rules are not necessitated by any federal or state court action.

The department has considered whether these rules are subject to the Regulatory Fairness Act, (chapter 6, Laws of 1982) and has determined that they are not for the following reasons: There is no significant unfavorable economic impact for small businesses.

AMENDATORY SECTION (Amending Order 74-32, filed 6/21/74, effective 10/1/74)

WAC 296-20-210 GENERAL RULES. ((†)) These general rules establish a uniform standard for conducting examinations and submitting reports of examinations. These general rules must be followed by physicians who make examinations or evaluations of permanent bodily impairment.

((†)) (1) Examinations for the medical determination of the extent of permanent bodily impairment shall be made only by physicians currently licensed to practice medicine and surgery.

((†)) (2) Whenever an examination is made, the physician shall record, among other pertinent information, the complete history as obtained from the person examined; the complete history of past injuries and diseases; the complaints; the age, sex, height and weight; x-ray findings and diagnostic tests made or reviewed in connection with the examination; the diagnosis; and all findings, including negative findings, in all bodily areas and systems where a detailed review of systems reveals past or present complaints. The physician shall record his conclusions as to: Whether the residuals of the injury are fixed; whether treatment is required for the injury and, if so, any treatment shall be described. If the examining physician finds residuals of the injury are fixed, he shall record the appropriate category or categories of permanent impairment for diagnoses attributable to the industrial injury or occupational disease. Conditions or impairments not attributable to the industrial injury or occupational disease shall be described and diagnosed in the report, with a description of how they affect the person examined and the appropriate category of permanent impairment where possible.

((†)) (3) The examining physician shall not assign a percentage figure for permanent bodily impairment described in the categories established herein.

((†)) (4) Reports shall specify diagnoses and medical terms as listed in current procedural terminology (CPT), current medical information and terminology (CMIT), international classification of diseases adopted (ICDA), or standard nomenclature of disease, except when otherwise specified in these rules.

(5) Workers who are scheduled for disability examinations are allowed to bring with them an accompanying person to be present during the physical examination. The accompanying person cannot be compensated in any manner, except that language interpreters may be necessary for the communication process and may be reimbursed for interpretative services.

The department may designate those circumstances under which the accompanying person is allowed to be present during the disability examination process.

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-035 INDEPENDENT MEDICAL EXAMINATIONS. Purpose:

Independent medical examinations may be requested by the department, the self-insurer, or the attending physician; this is usually for one of the following purposes:

(1) To establish a diagnosis. Prior diagnoses may be controversial or ill-defined.

(2) To outline a basis of rational treatment, where treatment or progress is controversial.

(3) To establish medical data to determine if the medical condition is industrially acquired, or unrelated to industrial work activities.

(4) To determine the extent and duration of aggravation of preexisting medical condition, by an industrial injury or exposure.

(5) To establish when the accepted medical condition has reached maximum benefit from treatment.

(6) To establish a percentage rating of any permanent disability, based on the loss of body function when maximum recovery is reached.

(7) To determine the indications for reopening of a claim for further treatment on basis of aggravation of accepted condition, based on objective findings.

Workers who are scheduled for independent medical examinations are allowed to bring with them an accompanying person to be present during the physical examination. The accompanying person cannot be compensated in any manner, except that language interpreters may be necessary for the communication process and may be reimbursed for interpretative services.

The department may designate those circumstances under which the accompanying person is allowed to be present during the independent medical examination process.

An independent medical examination must be specific and factual if accurate and consistent judgment is to be maintained and the result give justice and uniformity.

The history should be checked for accuracy, variation or exaggeration. Physical findings should be detailed enough to be compatible with the history, diagnosis and conclusions.

Diagnoses: Must be specific and describe the pathology found and be substantiated by the history and physical findings. (Vague terminology only confuses.)

Conclusions: Must be specific and definitely express an opinion on the purpose for which the examination was requested. This should be rationalized with the history, physical findings and diagnosis. (Evasiveness, generalizations and omissions frequently render the report misleading or worthless for the intended purpose.)

Permanent disability: Ratings must be substantiated by sufficient objective findings and medical data to establish the percentage disability rating; also medical logic to demonstrate a definite causal relationship to the accepted industrial conditions on a more probable than not basis.

WSR 88-09-073

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning experience rating of the medical aid fund premium to be contained in chapter 296-17 WAC applicable to workers' compensation underwritten by the Department of Labor and Industries;

that the agency will on June 6, 1988, Monday, 9:00 a.m. to 12 noon, General Administration Building, First-Floor Large Conference Room, Olympia, Washington; and on June 7, 1988, Tuesday, 10:00 a.m. to 12:00 noon, Department of Social and Health Services, Second-Floor Conference Room, 1002 North 16th Avenue, Yakima, Washington; and on June 8, 1988, Wednesday, 10:00 a.m. to 12:00 noon, Public Utility District, Auditorium, 524 South Auburn, Kennewick, Washington, Note: Do not park in the public utility district parking lot. Please park on the street or across the street at the fire station; and on June 9, 1988, Thursday, 10:00 a.m. to 12:00 noon, Red Lion Motor Inn, Tamarack Room, I-90 and Sullivan Road (Exit 291 off I-90), Spokane, Washington; and on June 10, 1988, Friday,

10:00 a.m. to 12:00 noon, Skagit Valley Community College, Board Room, Administrative Annex, 2405 East College Way, Mt. Vernon, Washington, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1988.

The authority under which these rules are proposed is RCW 51.04.020(1).

The specific statute these rules are intended to implement is RCW 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 10, 1988.

The agency reserves the right to modify the text of these proposed rules prior to the public hearing thereon or in response to written and/or oral comments thereon received prior to or during the public hearing.

Written and/or oral submissions may also contain data, news, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21 RCW.

Correspondence relating to this notice and proposed rules attached should be addressed to:

Alan D. Spadoni
Assistant Director for Employer Services
Department of Labor and Industries
905 Plum Street, S.E.
Olympia, Washington 98504

Dated: April 20, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): The proposal for rule change which follows amends portions of chapter 296-17 WAC. This title [chapter] pertains to the calculation, reporting, and collection of premiums for workers' compensation insurance coverage provided by the Department of Labor and Industries.

Statutory Authority: RCW 51.04.020 and 51.16.035.

Specific Statute that Rule is Intended to Implement: RCW 51.16.035.

Summary of the Rule(s): To make the following substantive changes in Title 296 WAC: Establish a rule governing the experience rating of the medical aid fund premium (WAC 296-17-86502) and amend two existing rules, WAC 296-17-310 and 296-17-870 to reflect this change.

Reasons Supporting Change: Experience rating of accident fund premiums has been proven to encourage work place safety and accident prevention, thereby reducing the overall insurance rate of industry. Individually, experience rating tailors rates to be more reflective of each employer's claim experience and gives economic incentive to employers that have good safety and claim records by reduced insurance rates. This rule will extend this equity to the medical aid fund premiums and provide a greater mechanism for work place safety since employees will share in the cost of experience rated medical aid premiums. At the present, employers are solely responsible for work place safety.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): R. L. McCallister, Deputy Director for Industrial Insurance, 753-5173, Alan D. Spadoni, Assistant Director for Employer Services, 753-5371, Margaret Wimmer, Rates and Service Manager, 753-2253.

Name of Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule(s): State of Washington, Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rule(s): None.

These rules are not proposed to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Small Business Economic Impact Statement: This statement pertains to revisions in chapter 296-17 WAC, proposed by the Department of Labor and Industries to become effective January 1, 1989, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

Existing Rules: Chapter 296-17 WAC presently defines approximately 270 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance as well as rules governing the application of these risk classifications to businesses or occupations, provisions for an experience rating plan, insurance base rates applicable to each risk classification, and rules governing the reporting of worker hours and the assessment of penalties for employers who fail to register or file late payroll reports.

Treatment of Small Business Under Existing Rules: Risk classification definitions are keyed to the nature of an employer's business operations within this state and in certain cases individual employments, and are independent of business size. Once the number of risk classifications statistically supportable has been determined and the risks defined, base rates are developed for each risk classification. All new employers conducting like businesses are assigned into a common classification pool representative of their business undertaking and are assigned the same base rate. As experience is developed by each employer, a modified rate as provided for in the experience rating plan is calculated for the accident fund premium. Those employers with a favorable past experience receive rate reductions while those employers with unfavorable past experience receive rate increases. Within the experience rating plan, small employers with a loss-free record during the experience rating period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by imposing a maximum modification for loss-free firms of various sizes in WAC 296-17-890. The medical aid fund premium has been exempted from experience rating.

Effect of Proposed Revisions: This proposal would allow for the experience rating of the medical aid fund premium in addition to the accident fund premium. This rule provides for a gradual phase-in of the medical aid

fund experience rating to reduce to a minimum the adverse effects on a small number of businesses while at the same time allowing for these businesses to actively encourage work place safety and accident prevention. The overall goal of experience rating is to provide employers economic incentives to reduce work place accidents and the severity of those accidents that do occur. By improving an industry's overall experience, rates can be held at current levels and, in many cases, reduced. This rule provides equal treatment to both large and small businesses alike.

AMENDATORY SECTION (Amending Order 87-26, filed 12/1/87, effective 1/1/88)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Overview. Washington law (RCW 51.16.035) requires that the department of labor and industries classify all occupations or industries by degree of hazard. To accomplish this, the department has established approximately two hundred seventy basic classifications of risk embracing the various industries within the state (the actual number may vary from year to year). These basic classifications are set forth in WAC 296-17-50i through 296-17-779. The general principles and objectives of the basic classification system are set forth in WAC 296-17-310.

The first step in determining the appropriate classification for an employer is to determine the nature of the employer's business being insured in this state. If the department determines that an employer's business consists of a single operation or a number of separate operations which normally prevail in that business then the single enterprise rule (WAC 296-17-380) is applicable. This rule provides that the department is to assign the single basic classification which most accurately describes the employer's entire enterprise. This process begins with the search for a basic classification which specifically describes the employer's business. If such a basic classification is found the process of assigning a basic classification is complete.

If the employers' business operation is not specifically described by any basic classification then the employer's business is to be classified as provided for in WAC 296-17-360 (assignment of classification by analogy). In classifying by analogy the department examines the process and hazard of the employer's business and compares it to that of other basic classifications with processes and hazards that are similar to those of the employer's business and assigns the most analogous classification on that basis.

In the event that a review of the employer's business operations indicates the possibility that the employer conducts more than one business within this state, a determination will be made as to whether any additional basic classifications should be assigned on the basis of the criteria set out in the multiple enterprise rule (WAC 296-17-390).

Once the employer's basic classification has been established, the department must determine whether additional classifications should be assigned to apply to specific employments within an employer's business such as the standard exception rule (WAC 296-17-440), the general exclusion rule (WAC 296-17-430), the special exception rule (WAC 296-17-441), or those indicated by the language of any applicable basic classifications that permit or require separate reporting of any operations within that business or industry or as otherwise provided by this chapter.

(3) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day

of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in RCW 51.48.030. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

(4) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

(5) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a ((basic)) manual medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the ((basic)) manual premium rate ((only, and the experience rating plan shall not apply to medical aid rates)) unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the medical aid fund shall be paid according to their experience modification as determined under the experience rating plan.

(6) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

(7) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

In the event an employer operates a secondary business within this state, multiple basic classifications can be assigned provided that the conditions set forth in WAC 296-17-390 "multiple enterprises" have been met. However, construction or erection operations are to be assigned classifications as provided in subsection (8) of this section.

(8) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll records are maintained for each operation.

In the event separate payroll records are not maintained the entire number of worker hours for such operations shall be assigned to the highest rated classification which applies to the job site or location where the operation is performed.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location.

(9) Classification assignment of separate legal entities. Each separate legal entity shall be assigned to the basic classification or classifications which best describe its operations within the state using the classification procedures outlined in subsections (2), (7), and (8) of this section.

(10) All operations. Each basic classification in this manual, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications 7104 through 7109, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

NEW SECTION

WAC 296-17-86502 MEDICAL AID EXPERIENCE MODIFICATION LIMITATIONS. The medical aid fund premiums shall be experience rated beginning January 1, 1989, using the reported past experience of employers as provided for in the department's experience rating plan. However, the initial experience rating adjustment for each employer shall be made from a base modification of 1.0000, with adjustments limited to twenty-five percent annually until the actual experience rating developed by the department for each employer has been reached or four years from the effective date of this section, whichever comes first. Thereafter, adjustments will be made in accordance with the parameters established by the department's experience rating plan.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-870 EVALUATION OF ACTUAL LOSSES. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895.

(2) Retroactive adjustments - revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim is officially closed and is determined to be noncompensable.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included.

(3) Average death value. Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third party recovery. In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the

disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

WSR 88-09-074

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-24 WAC, General safety and health standards, is being amended with state-initiated housekeeping changes (renumbering) in WAC 296-24-58513 and 296-24-63399. A federal-initiated change being made in WAC 296-24-21701, to make WISHA at-least-as-effective-as Federal Register Vol. 52, No. 186 requirements of September 25, 1987, addresses the applicability of single-piece and multi-piece rim wheel requirements to chapter 296-56 WAC. WAC 296-24-19515 Reports of point of operation injuries—Mechanical power presses, is obsolete and is being repealed (it is no longer applicable). There are no substantial new compliance requirements as a result of these changes; chapter 296-27 WAC, Recordkeeping and reporting, is being amended with a state-initiated address correction in WAC 296-27-15501. There are no new compliance requirements; chapter 296-56 WAC, Safety standards for longshore, stevedore, and related waterfront operations, is being amended by a federal-initiated change to WAC 296-56-60081 to make single-piece and multi-piece rim wheel requirements of the general safety and health standards apply to marine terminal operations. WAC 296-56-60001 is amended to reference the hazard communications standard applicable to marine terminals to make WISHA at-least-as-effective-as Federal Registers Vol. 52, No. 163 dated August 24, 1987, and Vol. 52, No. 186 dated September 25, 1987. A state-initiated change is made to the narrative of WAC 296-56-60249 to include instruction from WRD 86-7 into the standard. There are no substantial new compliance requirements as a result of these changes; chapter 296-59 WAC, Safety standards for ski area facilities and operations, is a new state-initiated standard being adopted to regulate the unique ski area operating conditions in Washington state during ski season. It establishes minimum compliance requirements for design, construction, operation, inspection, and maintenance of equipment and facilities in ski areas, and describes minimum employer and employee obligations, employee qualifications, and requirements for training, supervising and recordkeeping. It also establishes safety criteria for avalanche control operations and explosive handcharge makeup and use. This is a new standard establishing safety rules for hazards that are not currently covered by

any other standard; chapter 296-62 WAC, General occupational health standards, is being amended with the incorporation of state-initiated housekeeping changes in WAC 296-62-07113 and 296-62-07115, Respiratory protection; WAC 296-62-07383, 296-62-07385, 296-62-07387 and 296-62-07389, Ethylene oxide; WAC 296-62-07521, Lead; and WAC 296-62-14541, Cotton dust. Tables in WAC 296-62-07113, Respiratory protection, are being formatted differently; no changes exist in the actual wording. No new compliance requirements are established with these changes. Other changes are being made to adopt federal program changes to ensure that WISHA is at-least-as-effective-as OSHA, WAC 296-62-300 through 296-62-3190, Hazardous waste operations and emergency response, to comply with FR Vol. 52, No. 153 dated August 10, 1987; WAC 296-62-054 through 296-62-05425, Hazard communication, to comply with FR Vol. 52, No. 163 dated August 24, 1987; WAC 296-62-07523 through 296-62-07533, Benzene, to comply with FR Vol. 52, No. 176 dated September 11, 1987; WAC 296-62-07540 through 296-62-07550, Formaldehyde, to comply with FR Vol. 52, No. 233 dated December 4, 1987, and FR Vol. 53, No. 30 dated February 29, 1988. WAC 296-62-07515, Control of chemical agents, is amended to include limits for the new federal standards adopted. No significant new compliance requirements result from this rule change; chapter 296-155 WAC, Safety standards for construction work, is being amended with a state-initiated revision to include a reference in WAC 296-155-160 concerning formaldehyde requirements. There are no new compliance requirements; chapter 296-304 WAC, Safety standards for ship repairing, ship building, and ship breaking is being amended to make hazard communication requirements applicable by a change in WAC 296-304-06013 to be at-least-as-effective-as OSHA according to FR Vol. 52, No. 163 dated August 24, 1987. This federal-initiated change does not impose any new compliance requirements; chapter 296-305 WAC, Safety standards for firefighters, is being revised by state-initiated changes to add new sections, clarify and update definitions, and incorporate parts of the National Fire Protection Association (NFPA) Code. WAC 296-305-007 is being amended to correct spelling errors, redefine the term "tall board," and include a definition for HEPA filtration. WAC 296-305-060, 296-305-06003, 296-305-06005, 296-305-06011 and 296-305-063, Personal protective clothing and equipment is being amended to provide a greater measure of protection for the worker. WAC 296-305-06505, 296-305-06507 and 296-305-07001 are being amended to clarify effective dates. WAC 296-305-06509 amendments update wording to current uniform fire code. WAC 296-305-064, Fire overhaul, is a new section addressing asbestos identification and handling during a fire response. WAC 296-305-07003, Automotive fire apparatus, is being amended to add requirements to furnish a safer workplace. WAC 296-305-100 is being amended to update the ladder testing requirements to meet NFPA standards. WAC 296-305-06301 through 296-305-06313 are being repealed, as they are covered in chapter 296-62 WAC. WAC 296-305-9901 through 296-305-

9906 are being repealed, as they are no longer applicable; and chapter 296-306 WAC, Safety standards for agriculture, is being amended by a state-initiated change to WAC 296-306-085 and 296-306-090 to properly relocate an illustration with applicable text. WAC 296-306-010 is being amended to correct a reference. There are no new compliance requirements as a result of these changes.

- Amd WAC 296-24-21701 Scope.
- Amd WAC 296-24-58513 Protective clothing.
- Amd WAC 296-24-63399 Appendix C—Fire protection references for further information.
- Amd WAC 296-27-15501 Division of industrial safety and health, public records.
- Amd WAC 296-56-60001 Scope and applicability.
- Amd WAC 296-56-60081 Multipiece rim wheels.
- Amd WAC 296-56-60249 Petroleum docks.
- Amd WAC 296-62-07113 Selection of respirators.
- Amd WAC 296-62-07115 Use of respirators.
- Amd WAC 296-62-07383 Appendix A—Substance safety data sheet for ethylene oxide (nonmandatory).
- Amd WAC 296-62-07385 Appendix B—Substance technical guidelines for ethylene oxide (nonmandatory).
- Amd WAC 296-62-07387 Appendix C—Medical surveillance guidelines for ethylene oxide (nonmandatory).
- Amd WAC 296-62-07389 Appendix D—Sampling and analytical methods for ethylene oxide (nonmandatory).
- Amd WAC 296-62-07515 Control of chemical agents.
- Amd WAC 296-62-07521 Lead.
- Amd WAC 296-62-054 Hazard communication purpose.
- Amd WAC 296-62-05403 Scope and application.
- Amd WAC 296-62-05405 Definitions applicable to this chapter.
- Amd WAC 296-62-05407 Hazard determination.
- Amd WAC 296-62-05409 Written hazard communication program.
- Amd WAC 296-62-05411 Labels and other forms of warning.
- Amd WAC 296-62-05413 Material safety data sheets.
- Amd WAC 296-62-05415 Employee information and training.
- Amd WAC 296-62-05417 Trade secrets.
- Amd WAC 296-62-05421 Appendix A—Health hazard definitions (mandatory).
- Amd WAC 296-62-05423 Appendix B—Hazard determination (mandatory).
- Amd WAC 296-62-05425 Appendix C—Information sources (advisory).
- Amd WAC 296-62-14541 Appendix D—Pulmonary function standards for cotton dust standard.
- Amd WAC 296-155-160 Gases, vapors, fumes, dusts and mists.
- Amd WAC 296-304-06013 Health and sanitation.
- Amd WAC 296-305-007 Definitions.
- Amd WAC 296-305-060 Personal protective equipment and clothing.
- Amd WAC 296-305-06003 Hearing protection.
- Amd WAC 296-305-06005 Hand protection.
- Amd WAC 296-305-06011 Head protection.
- Amd WAC 296-305-063 Respiratory equipment.
- Amd WAC 296-305-06505 Sleeping areas.
- Amd WAC 296-305-06507 Apparatus area.
- Amd WAC 296-305-06509 Refueling areas.
- Amd WAC 296-305-07001 Design and construction.
- Amd WAC 296-305-07003 Automotive fire apparatus equipment.
- Amd WAC 296-305-100 Ladders.
- Amd WAC 296-306-010 Purpose and scope.
- Amd WAC 296-306-085 Fire protection and ignition sources.
- Amd WAC 296-306-090 Storage and handling of anhydrous ammonia.
- New WAC 296-59-001 Foreword.
- New WAC 296-59-003 Scope and application.
- New WAC 296-59-005 Incorporation of other standards.

- New WAC 296-59-007
- New WAC 296-59-010
- New WAC 296-59-015
- New WAC 296-59-020
- New WAC 296-59-025
- New WAC 296-59-027
- New WAC 296-59-030
- New WAC 296-59-035
- New WAC 296-59-040
- New WAC 296-59-050
- New WAC 296-59-055
- New WAC 296-59-060
- New WAC 296-59-065
- New WAC 296-59-070
- New WAC 296-59-075
- New WAC 296-59-080
- New WAC 296-59-085
- New WAC 296-59-090
- New WAC 296-59-095
- New WAC 296-59-100
- New WAC 296-59-102
- New WAC 296-59-103
- New WAC 296-59-105
- New WAC 296-59-107
- New WAC 296-59-109
- New WAC 296-59-115
- New WAC 296-59-120
- New WAC 296-59-125
- New WAC 296-59-130
- New WAC 296-62-07523
- New WAC 296-62-07525
- New WAC 296-62-07527
- New WAC 296-62-07529
- New WAC 296-62-07531
- New WAC 296-62-07533
- New WAC 296-62-300
- New WAC 296-62-3010
- New WAC 296-62-3020
- New WAC 296-62-3030
- New WAC 296-62-3040
- New WAC 296-62-3050
- New WAC 296-62-3060
- New WAC 296-62-3070
- New WAC 296-62-3080
- New WAC 296-62-3090
- New WAC 296-62-3100
- New WAC 296-62-3110
- New WAC 296-62-3120
- New WAC 296-62-3130
- New WAC 296-62-3140
- New WAC 296-62-3150
- New WAC 296-62-3152
- New WAC 296-62-3160
- New WAC 296-62-3170

- Definitions.
- Safe place standards.
- General requirements.
- Management's responsibility.
- Employee's responsibility.
- Work activities which include skiing.
- Safety bulletin board.
- First-aid training and certification.
- First-aid kits and supplies.
- Personal protective equipment, general requirements.
- Lockout requirements.
- Vessel of confined area requirements.
- Fire protection and ignition sources.
- Illumination.
- Electrical equipment and distribution.
- Installation, inspection, and maintenance of pipes, piping systems, and hoses.
- Scaffolds, construction, use and maintenance.
- Mobile equipment and lift trucks.
- Requirements for cranes and hoists—General safety and health requirements prevail.
- Avalanche control.
- Acceptable warning signs for typical avalanche control explosive device(s) duds.
- Storage, makeup, and use of explosives for avalanche control blasting.
- Handcharge makeup methods.
- Avalanche control blasting.
- Retrieving misfires or duds.
- Ski lift facilities and structures.
- Ski lift operations.
- Ski lift aerial work platforms.
- Ski lift machinery guarding.
- Benzene.
- Appendix A—Substance safety data sheet—Benzene.
- Appendix B—Substance technical guidelines—Benzene.
- Appendix C—Medical surveillance guidelines for benzene.
- Appendix D—Sampling and analytical methods for benzene monitoring and measurement procedures.
- Appendix E—Qualitative and quantitative fit testing procedures.
- Scope, application, and definitions.
- General requirements.
- Site characterization and analysis.
- Site control.
- Training.
- Medical surveillance.
- Engineering controls, work practices, and personal protective equipment for employee protection.
- Monitoring.
- Informational programs.
- Handling drums and containers.
- Decontamination.
- Emergency response.
- Illumination.
- Sanitation at temporary workplaces.
- Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).
- Start-up dates.
- Appendices to Part B [P].
- Appendix A—Personal protective equipment test methods.
- Appendix B—General description and discussion of the levels of protection and protective gear.

New	WAC 296-62-3180	Appendix C—Compliance guidelines.
New	WAC 296-62-3190	Appendix D—References to appendix.
New	WAC 296-62-07540	Formaldehyde.
New	WAC 296-62-07542	Appendix A—Substance technical guideline for formalin.
New	WAC 296-62-07544	Appendix B—Sampling strategy and analytical methods for formaldehyde.
New	WAC 296-62-07546	Appendix C—Medical formaldehyde.
New	WAC 296-62-07548	Appendix D—Nonmandatory medical disease questionnaire.
New	WAC 296-62-07550	Appendix E—Qualitative and quantitative fit testing procedures.
New	WAC 296-305-064	Fire overhaul.
Rep	WAC 296-24-19515	Reports of point of operation injuries — Mechanical power presses.
Rep	WAC 296-305-06301	Respiratory equipment effective dates.
Rep	WAC 296-305-06303	Respiratory equipment removals.
Rep	WAC 296-305-06305	Respiratory equipment inspection.
Rep	WAC 296-305-06307	Respiratory equipment testing.
Rep	WAC 296-305-06309	Respiratory protection equipment maintenance.
Rep	WAC 296-305-06311	Respiratory equipment training.
Rep	WAC 296-305-06313	Filling air cylinders.
Rep	WAC 296-305-9901	Testing extension ladders, Figure 14.
Rep	WAC 296-305-9902	Testing extension ladders, Figure 15.
Rep	WAC 296-305-9903	Testing extension ladders, Illustration.
Rep	WAC 296-305-9904	Testing extension ladders, Illustration.
Rep	WAC 296-305-9905	Testing extension ladders, Illustration.
Rep	WAC 296-305-9906	Testing extension ladders, Illustration;

that the agency will at 9:30 a.m., Wednesday, June 1, 1988, in the General Administration Building, West Capitol Campus, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is chapters 34.04 and 49.17 RCW and chapter 1-12 WAC.

The specific statute these rules are intended to implement is chapter 19.29 RCW, RCW 49.17.040, 49.17.050 and 49.17.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5:00 p.m., Wednesday, June 1, 1988.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and proposed rules should be addressed to:

G. David Hutchins, Assistant Director
Division of Industrial Safety and Health
Post Office Box 207
Olympia, Washington 98504
(206) 753-6500

Dated: April 20, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):
See above.

Statutory Authority: Chapters 49.17 and 34.04 RCW and chapter 1-12 WAC.

Specific Statutes that Rules are Intended to Implement: RCW 49.17.040, 49.17.050 and 49.17.060 and chapter 19.29 RCW.

Summary of Rule(s): See above.

Description of Purpose: To ensure a healthful and safe workplace for all employees in the state of Washington.

Reasons for Supporting the Proposed Rule(s): To ensure a safe and healthful working environment for Washington state workers.

Agency Personnel Responsible for Drafting: Ray Wax, Safety Regulations Program Supervisor, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street Southeast, Olympia, Washington 98504, phone (206) 753-6381;
Implementation and Enforcement: G. David Hutchins, Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street Southeast, Olympia, Washington 98504, phone (206) 753-6500.

Name of Person or Organization, Whether Private, Public or Governmental that is Proposing the Rule(s): Washington State Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): Fourteen individual statements are shown below.

SMALL BUSINESS ECONOMIC IMPACT STATEMENTS

The adoption of agency rules often results in some economic impact. The Washington Regulatory Fairness Act, chapter 19.85 RCW, was enacted by the legislature in 1982 to reduce the imposition of proportionately higher economic impact on small businesses in comparison with large businesses. The act defines a small business as an employer with 50 or less employees. The act requires that when proposed agency rules will have economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in one industry, the proposed rules shall be reviewed to determine if disproportionate cost influence exists between large and small business. Following a positive determination that disproportionate cost impact exists, the agency is required to reduce the economic impact on small business where possible within the guidelines provided in chapter 19.85 RCW.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-24 WAC, PROPOSED AMENDMENTS TO WAC 296-24-21701, SERVICING OF MULTI-PIECE AND SINGLE-PIECE RIM WHEELS—SCOPE; 296-24-58513, FIRE PROTECTION—PROTECTIVE CLOTHING; AND 296-24-63399, APPENDIX C—FIRE PROTECTION, REFERENCES FOR FURTHER INFORMATION

With respect to the proposed amendment for chapter 296-24 WAC, WAC 296-24-21701, 296-24-58513 and 296-24-63399, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-27 WAC, PROPOSED AMENDMENTS TO WAC 296-27-15501, DIVISION OF INDUSTRIAL SAFETY AND HEALTH, PUBLIC RECORDS

With respect to the proposed amendment for chapter 296-27 WAC, WAC 296-27-15501, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-56 WAC, PROPOSED AMENDMENTS TO WAC 296-56-60001, SCOPE AND APPLICABILITY; 296-56-60081, MULTI-PIECE RIM WHEELS; AND 296-56-60249, PETROLEUM DOCKS

With respect to the proposed amendment for chapter 296-56 WAC, WAC 296-56-60001, 296-56-60081 and 296-56-60249, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

CHAPTER 296-59 WAC, SAFETY STANDARDS FOR SKI AREA FACILITIES AND OPERATIONS, NEW STANDARD

With respect to proposed new chapter 296-59 WAC, the conclusions of the agency are as follows:

The proposed new regulations will influence employers having workplaces in all ski area operations under the jurisdiction of the Department of Labor and Industries

in the state of Washington without regard to size of operations. The department provided employers the opportunity to participate in the development of this new standard through a labor-management advisory committee. Most employers have participated and have already voluntarily adopted policies and guidelines in compliance with the proposed rules; accordingly, future economic impact to come into full compliance with the standard is expected to be minimal.

The proposed rules will have economic impact. The principal areas of potential increased cost are: Expansion of inspection, maintenance and recordkeeping requirements; establishment of minimum acceptable levels of personnel training and qualifications with adequate recordkeeping; and construction of an explosive makeup room in ski areas which do avalanche control with explosive hand charges.

The department is not in receipt of any information which would indicate a disproportionate cost on any ski area business.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO WAC 296-62-054 THROUGH 296-62-05425, HAZARD COMMUNICATION

With respect to the proposed amendment for chapter 296-62 WAC, WAC 296-62-054, 296-62-05403, 296-62-05405, 296-62-05407, 296-62-05409, 296-62-05411, 296-62-05413, 296-62-05415, 296-62-05417, 296-62-05421, 296-62-05423 and 296-62-05425, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The Federal Occupational Safety and Health Administration (OSHA) has conducted a full regulatory impact analysis, in Federal Register Vol. 52, No. 163 dated August 24, 1987, page 31867.

The "average" first year cost per "exposed" employee per OSHA's study is less than \$250, or less than \$5.00 per worker per week. It is believed the economic impact on Washington employers will be much less because Washington has already implemented a standard beyond the manufacturing sector. OSHA's standard has previously been limited to only the manufacturing sector.

The agency proposing the WAC amendments is not aware of any unique operating conditions in the state of Washington which would result in cost factors substantially different than those published in the identified OSHA analysis.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO WAC 296-62-07113, SELECTION OF RESPIRATORS; 296-62-07115, USE OF RESPIRATORS; 296-62-07521, LEAD; 296-62-14541, APPENDIX D—COTTON DUST; AND 296-62-07383 THROUGH 296-62-07389, ETHYLENE OXIDE

With respect to the proposed amendment for chapter 296-62 WAC, WAC 296-62-07113, 296-62-07115, 296-62-07521, 296-62-07383, 296-62-07385, 296-62-07387, 296-62-07389 and 296-62-14541, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under

the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED AMENDMENTS TO WAC 296-62-07515, CONTROL OF CHEMICAL AGENTS

With respect to the proposed amendment for chapter 296-62 WAC, WAC 296-62-07515, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their final benzene rules as published in the September 11, 1987, Federal Register, Vol. 52, No. 176, and their final formaldehyde rules as published in the December 4, 1987, Federal Register, Vol. 52, No. 233. They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rules, and have extended our compliance dates to August 1, 1988, for adoption.

OSHA has determined that the expected impacts of these standard changes will be insignificant. Details are explained in the federal registers listed.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from formaldehyde or benzene compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED NEW SECTIONS WAC 296-62-07523, 296-62-07525, 296-62-07527, 296-62-07529, 296-62-07531 AND 296-62-07533, BENZENE

With respect to proposed chapter 296-62 WAC, General occupational health standards; WAC 296-62-07523, 296-62-07525, 296-62-07527, 296-62-07529, 296-62-07531 and 296-62-07533, Benzene, the findings of the agency are as follows:

The proposed amendments to the rules will apply to all occupational exposures to benzene in workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington. It will not apply to the storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities; except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by WAC 296-62-07523 through 296-62-07533.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their final benzene rules as published in the September 11, 1987, Federal Register (52 FR 34562). They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rules and have extended our compliance date to August 1, 1988, for adoption.

OSHA has determined that none of the seven industry sectors and solvent users would experience a significant adverse economic impact because of the standard. The full text of their summary of regulatory impact is found in Federal Register Vol. 52, No. 176 dated September 11, 1987, beginning on page 34508.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from benzene compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED NEW SECTIONS WAC 296-62-07540, 296-62-07542, 296-62-07544, 296-62-07546, 296-62-07548 AND 296-62-07550, FORMALDEHYDE

With respect to proposed chapter 296-62 WAC, General occupational health standards; WAC 296-62-07540 through 296-62-07550, Formaldehyde, the findings of the agency are as follows:

The proposed amendments to the rules will apply to all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington with occupational exposures to formaldehyde.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their final formaldehyde rules as published in 52 FR 46291 and 53 FR 6628. They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rules and have extended our compliance date to August 1, 1988, for adoption.

OSHA concluded in their impact study that, as a result of the adoption of the standard, there will be no significant impact on the general quality of the human environment outside the workplace, and that the expected impacts of the standard on small entities in each affected industry will be insignificant. Details of these costs are explained in the Federal Register, Vol. 52, No. 233 dated December 4, 1987, regulatory analysis section.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from formaldehyde compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS, CHAPTER 296-62 WAC, PROPOSED NEW SECTIONS WAC 296-62-300 THROUGH 296-62-3190, HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE

With respect to proposed chapter 296-62 WAC, General occupational health standards; WAC 296-62-300 through 296-62-3190, Hazardous waste operations and emergency response.

The proposed amendments to the rules potentially influence any and all employers of hazardous waste operations and during emergency response to hazardous substance incidents in workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their interim final hazardous waste and emergency response rules as published in the December 19, 1986, Federal Register (51 FR 45654) and hazardous waste operations and emergency

response; corrections as published in the May 4, 1987, Federal Register (52 FR 16241). They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rule and have extended our compliance date to July [August] 1, 1988, for adoption.

The Federal Occupational Safety and Health Administration (OSHA) has conducted a full regulatory impact analysis (RIA): See Federal Register, Vol. 51, No. 244 dated December 19, 1986, page 45662. The environmental and economical impacts to be expected as a result of this standard will be the same as those explained by OSHA in Federal Register, Vol. 52, No. 153 dated August 10, 1987, page 29634. It is expected that most of the incremental costs of compliance will be paid by the federal government or the private firm responsible for the hazardous waste cleanup, and OSHA has calculated that it is economically feasible for every affected industry or group to comply with the standard.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with the hazardous waste operations and emergency response.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-155 WAC, PROPOSED AMENDMENTS TO WAC 296-155-160, GASES, VAPORS, FUMES, DUSTS AND MISTS

With respect to the proposed amendment for chapter 296-155 WAC, WAC 296-155-160, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-304 WAC, PROPOSED AMENDMENTS TO WAC 296-304-06013, HEALTH AND SANITATION

With respect to the proposed amendment for chapter 296-304 WAC, WAC 296-304-06013, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

SAFETY STANDARDS FOR FIREFIGHTERS, CHAPTER 296-305 WAC, AMENDMENTS TO WAC 296-305-007 THROUGH 296-305-100 AND PROPOSED NEW SECTION WAC 296-305-064

With respect to the proposed changes to chapter 296-305 WAC, our findings are as follows:

The proposed amendments to the rules potentially influence all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The only amendment determined to have a disproportionate economic impact is personal protective clothing, specifically "turnout gear" as defined in the rules. While the cost for each new item is essentially the same, WISHA has identified that most if not all larger full-time fire departments have voluntarily come into compliance before the effective date of the proposed rules. The proposed amendments will therefore have little or no economic impact on larger full-time fire departments. Compliance with the proposed rules will cost smaller volunteer fire departments approximately \$400.00 per firefighter.

To grant relief for the identified economic impact, the agency proposes to delay the mandatory compliance date for 2 years after the effective date of the amendment for all volunteer fire departments. This action is intended to permit orderly budgeting and to defer the total cost over two fiscal budget periods instead of one.

GENERAL SAFETY AND HEALTH STANDARDS, CHAPTER 296-306 WAC, PROPOSED AMENDMENTS TO WAC 296-306-010, PURPOSE AND SCOPE; 296-306-085, FIRE PROTECTION AND IGNITION SOURCES; AND 296-306-090, STORAGE AND HANDLING OF ANHYDROUS AMMONIA

With respect to the proposed amendment for chapter 296-306 WAC, WAC 296-306-010, 296-306-085 and 296-306-090, the findings of the agency are as follows:

The proposed amendments to the rules potentially influence any and all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington.

The rules, as amended, will not influence or change the cost to any employer coming into compliance in any way because the amended rules do not establish any new compliance regulation. The changes being made are to correct grammatical errors only. There are no new compliance requirements.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-007 DEFINITIONS. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) Aerial ladder: A ladder mounted on top of an apparatus, hydraulic or pneumatic controlled.

(2) Aerial platform: A device consisting of two or more booms or sections with a passenger carrying platform assembly.

(3) Aerial tower: Telescopic elevating platform or water tower assembly usually with a ladder on top of the section.

(4) Ancillary clothing: Outer garments auxiliary or supplemental to other protective clothing provided for fire fighters.

(5) ANSI: American National Standards Institute.

(6) Apparatus: A mobile piece of fire fighting equipment such as pumper, aerial, tanker, etc.

(7) Approved: A method, equipment, procedure, practice, tool, etc., which is sanctioned, consented to, confirmed or accepted as good or satisfactory for a particular purpose or use by a person or organization authorized to make such a ((judgement)) judgment.

(8) Bag mask: A hand operated device consisting of a bellows type bag and a face piece used to administer artificial respiration to an individual.

(9) Beacon: A flashing or rotating light.

(10) Chief: An employer representative responsible for the fire department's operation.

(11) City service apparatus: An all purpose apparatus which carries ground ladders as well as forcible entry tools, salvage and overhaul equipment, and fire fighters.

(12) Combat scene: The site where the suppression of a fire or emergency exists.

(13) dBA: A measure of noise level expressed as ~~((decibels))~~ decibels measured on the "A" scale.

(14) Deck pipe: A permanently mounted device which delivers a large stream of water.

(15) Decontamination: A process by which hazardous materials are removed from protective clothing and equipment of personnel exposed to those materials.

(16) Department: Department of labor and industries.

~~((16))~~ (17) Director of fire department: The chief or principle administrator of the fire department.

~~((17))~~ (18) Drill tower: A structure which may or may not be attached to the station and which is principally used for training fire fighters in fire service techniques.

~~((18))~~ (19) Employee: An employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer under this chapter whether by way of manual labor or otherwise.

~~((19))~~ (20) Employer: Any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations.

~~((20))~~ (21) Employer representative: A fire department officer authorized by the chief or director to act in his behalf.

~~((21))~~ (22) Engine (pumper): A piece of apparatus equipped with hose and a pump for the purpose of supplying water under pressure through hose lines.

~~((22))~~ (23) Explosion proof: Capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that a surrounding flammable atmosphere will not be ignited thereby.

~~((23))~~ (24) Fastest means available: The (nearest-closest) telephone, portable radio, mobile radio, telephone/radio dispatcher or any other mode of mechanical communication.

~~((24))~~ (25) Fire combat training: Training received by fire fighters on the drill ground, drill tower, or industrial site to maintain the fire fighter's proficiency.

~~((25))~~ (26) Fire fighter: An officer or any employee who by virtue of his position in a fire department has a duty to engage in the fighting and extinguishment of fires.

~~((26))~~ (27) Fire retardant: A material to reduce, stop or prevent the flame spread.

~~((27))~~ (28) Foot stand, ladder: Devices attached to inside of beams of ladders that when folded down, provide foot space.

~~((28))~~ (29) Fly: Extendable sections of ground or aerial ladders.

~~((29))~~ (30) Hazardous condition: The physical condition or act which is causally related to accident occurrence. The hazardous condition is related directly to both the accident type and the agency of the accident.

~~((30))~~ (31) HEPA filtration: High efficiency particulate air filtration found in vacuum systems capable of filtering 0.3 micron particles with 99.97% efficiency.

(32) Hose bed: Portion of fire apparatus where hose is stored.

~~((31))~~ (33) Hose tower: A vertical enclosure where hose is hung to dry.

~~((32))~~ (34) Industrial fire brigade: An organized group of employees whose primary employment is other than fire fighting; who are knowledgeable, trained and skilled in the safe evacuation of employees during emergency situations, and in assisting in fire fighting operations.

~~((33))~~ (35) Jack, ground: Heavy jacks attached to frame of chassis of the aerial-equipped apparatus to provide stability when the aerial portion of the apparatus is used.

~~((34))~~ (36) Ladder company: The fire company manning an aerial ladder truck and especially trained in ladder work, ventilation, rescue, forcible entry, salvage and related tasks.

~~((35))~~ (37) Ladder pipe: A heavy stream nozzle attached to an aerial ladder usually supplied by a 3-inch hose from a Siamese intake at ground level.

~~((36))~~ (38) Life line: Length of rope to which employees and employer representatives are secured when in extremely hazardous areas.

~~((37))~~ (39) Life line gun: A gun designed to shoot a rope line, for rescue, to persons in distress such as in water, canyons, on cliffs and buildings, etc.

~~((38))~~ (40) Life net: A rescue item, commonly carried on ladder trucks, consisting of heavy canvas supported by a folding metal frame and springs and containing a pad to soften impact.

~~((39))~~ (41) Live fire training: Any fire set within a structure, tank, pipe, pan, etc., under controlled conditions to facilitate the training of fire fighters under actual fire conditions.

~~((40))~~ (42) Locking in: The act of securing oneself to a ladder by hooking a leg over a rung and placing top of foot against the other leg or against the ladder.

~~((41))~~ (43) Manned station: A fire station continuously occupied by fire fighters on scheduled work shifts. The manned station may also serve as headquarters for volunteers.

~~((42))~~ (44) MESA: Mining Enforcement and Safety Administration.

~~((43))~~ (45) Monitor: A portable device which delivers a large stream of water.

~~((44))~~ (46) NFPA: National Fire Protection Association.

~~((45))~~ (47) NIOSH: National Institute of Occupational Safety and Health.

~~((46))~~ (48) Nondestructive testing: A test to determine the characteristics or properties of a material or substance that does not involve its destruction or deterioration.

~~((47))~~ (49) Nonskid: The surface treatment that lessens the tendency of a foreign substance to reduce the coefficient of friction between opposing surfaces.

~~((48))~~ (50) Overhauling: That portion of fire extinguishment involving discovery of hidden fires or smoldering material.

~~((49))~~ (51) Outrigger: Manually or hydraulically operated metal enclosures and jacks which are extended and placed in contact with the ground to give the apparatus a wide, solid base to support different loads.

~~((50))~~ (52) Place of employment: Any 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.

~~((51))~~ (53) Platform: The portion of a telescoping or articulating boom used as an elevated working surface.

~~((52))~~ (54) Pole hole: An opening in a floor through which a pole passes and employees slide to get from one floor to another.

~~((53))~~ (55) Pompiier ladder: Ladder constructed with a single spar to which a hook is attached on one end and rungs attached to the spar.

~~((54))~~ (56) Prefire training: The training of fire fighters in recognizing sources and locations of potential fires and the method of fire combat to be used.

~~((55))~~ (57) Probable fatality: An injury which by the doctor's prognosis could lead to death.

~~((56))~~ (58) Pumper (engine): An apparatus equipped with hose and a pump for the purpose of supplying water under pressure through hose lines.

~~((57))~~ (59) Qualified: One who by possession of a recognized degree, certificate or professional standing, or who by extensive knowledge, training or experience has successfully demonstrated his ability to solve or resolve problems related to the subject matter, the work or the project.

~~((58))~~ (60) RCW: Revised Code of Washington.

~~((59))~~ (61) Respiratory equipment: Self-contained breathing apparatus designed to provide the wearer with a supply of respirable atmosphere carried in or generated by the breathing apparatus. When in use, this breathing apparatus requires no intake of air or oxygen from the outside atmosphere.

(a) Respirators (closed circuit): Those types of respirators which retain exhaled air in the system and recondition such air for breathing again.

(b) Respirators (open circuit): Those types of respirators which exhaust exhaled air to the outside of the mask into the ambient air.

(c) Respirators (demand): Those types of respirators whose input air to the mask is started when a negative pressure is generated by inhalation.

(d) Respirators (pressure demand): Those types of respirators which constantly and automatically maintain a positive pressure in the mask by the introduction of air when the positive pressure is lowered (usually from .018 psi to .064 psi) through the process of inhalation or leakage from the mask.

~~((60))~~ (62) Responding: The act of answering an emergency call or other alarm.

~~((61))~~ (63) Safe and healthful working environment: The work surroundings of an employee with minimum exposure to unsafe acts and/or unsafe conditions.

~~((62))~~ (64) Safety net: A rope or nylon strap net not to exceed 6-inch mesh, stretched and suspended above ground level at the base of drill tower, and at such a height that a falling body would be arrested prior to striking the ground.

~~((63))~~ (65) Safety officer: Employer representative as assigned by chief of fire department.

~~((64))~~ (66) Scabbard: A guard which will prevent accidental injury and covers the blade and pick of an axe or other sharp instrument when worn by the fire fighter.

~~((65))~~ (67) Shall: Means mandatory.

~~((66))~~ (68) Should: Means recommended.

~~((67))~~ (69) Siamese: A hose appliance having two or more female inlets with one male outlet.

~~((68))~~ (70) Signalman: A person so positioned that he can direct an activity, such as apparatus entering or leaving a fire station, where the operator's vision is obstructed or obscured.

~~((69))~~ (71) Station (fire station): Structure in which fire service apparatus and/or personnel are housed.

~~((70))~~ (72) Tailboard: Standing space ~~((at))~~ on the side or rear of an engine or pumper apparatus where fire fighters ride.

~~((71))~~ (73) Tillerman: Rear driver of tractor-trailer aerial ladder.

~~((72))~~ (74) Turnout clothing: Outer garments worn by fire fighters for personal protection consisting of helmet, gloves, coat and pants with vapor and thermal barrier liners, and boots.

~~((73))~~ (75) Turntable: The rotating surface located at the base of an aerial ladder, or boom, on aerial apparatus.

~~((74))~~ (76) Unmanned station: A station serving as headquarters for volunteer fire fighters which may or may not be attended by a chief or other officials responsible for directing the company's activities.

~~((75))~~ (77) Volunteer: Individual other than a fully paid fire fighter whose primary employment is other than fire fighting.

~~((76))~~ (78) Wheel blocks (chocks): A block or wedge placed under a wheel to prevent motion.

~~((77))~~ (79) Work environment: The surrounding conditions, influences or forces to which an employee is exposed while working.

~~((78))~~ (80) Work place: Any plant, yard, premises, room or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-060 PERSONAL PROTECTIVE EQUIPMENT AND CLOTHING. (1) Employers shall provide and maintain at no cost to the employee and assure the use of all protective clothing and equipment required by this standard. When the employer has agreed to provide funds in lieu of the actual clothing and equipment, funding shall be adequate to allow the purchase of such clothes and equipment without cost to the employee. The employer shall assure that the protective clothing ordered or purchased after the effective date of this standard meets the requirements of this standard. Four years after this effective date the employer shall assure that all fire fighters wear protective clothing meeting the requirements of this standard when performing interior structural fire fighting. Wearing anything less than full protective clothing may be allowed by the employer's written policy as set forth in (3)(d) of this section.

(2) Personal protective equipment and clothing shall be of a type approved by NIOSH, MESA, NFPA, or as required by this section.

(3) Every fire fighter when working upon fire extinguishment on the emergency fire ground or training fire, shall wear a complete set of equipment and clothing, except ~~((where the wearing of such equipment and clothing will cause undue hardship in instances such as may occur))~~ when combating grass or wildland fires. Provided, clothing worn

in place of full turnouts ~~((shall))~~ when fighting grass or wildland fires should comply with the following performance standard:

(a) Ancillary clothing.

(i) Flame resistance: When tested in accordance with Federal Test 191, Method 5903.2 "Flame Resistance of Cloth, Vertical" (standard small scale test), the test results shall not exceed the following limits:

(A) 2.0 seconds after flame

(B) 4.0 seconds after glow

(C) 6.0 inches average char length or 4.0 inches

Ignition of the material shall not produce any melting and dripping of molten or flaming material. It is specifically required that upon exposure to flaming ignition or intense heat, the material will not adhere to the skin of the wearer so as to cause serious skin burns.

Exception: Ancillary clothing of 100% wool, with a weight of at least 14 ounces per linear yard of 54-inch width shall be considered to be flame resistant.

(ii) Laundering: Garments shall be capable of withstanding not less than 50 washings or 25 dry cleanings with no significant changes in fire retardancy.

(iii) A label must be permanently attached, and shall attest that the fabric has been tested and meets the requirements of this section. The label shall include:

(A) Lot number

(B) The name and number of the specified test

(C) The date of the successful test.

(b) all turnout clothing placed into service after the effective date of these regulations shall meet the requirements set forth in this standard.

(c) Ancillary clothing placed into service after the effective date of these regulations shall meet the requirements set forth in this standard.

(d) The use of ancillary clothing does not exclude each employee from having a full set of turnouts. A written policy and procedure specifying the conditions under which less than a complete set of personal protective equipment and clothing can be worn, such as grass or wildland fires, shall be established by each employer and distributed to both fully paid and volunteer fire fighters.

(4) Written procedures with regard to repair, maintenance and servicing shall be established for the conservation of personal protective equipment. This provision applies to the fire fighter's personally owned equipment as well as to the employer owned equipment.

(5) Fire fighters shall wear the personal protective clothing and equipment designated for the task.

~~((The performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971, current edition, "Protective Clothing for Structural Fire Fighting."))~~

~~((7) This section shall apply to volunteer fire fighters for any new equipment purchased))~~ Turnout clothing as defined in WAC 296-305-007.

(a) New turnout clothing purchased thirty days after the effective date of this chapter shall be manufactured and labeled to comply with the specifications of this chapter and NFPA Standard 1971, 1986 edition, "Protective Clothing for Structural Fire Fighting."

(b) All turnout clothing used by full-time fire department personnel after January 1, 1989, shall be at least equivalent to the specifications of this chapter and NFPA Standard 1971, 1981 edition.

(c) All turnout clothing used by volunteer fire department personnel after January 1, 1991, shall be at least equivalent to the specifications of this chapter and NFPA Standard 1971, 1981 edition.

(7) Inspection and maintenance.

(a) All turnout clothing shall be inspected by qualified personnel at not less than one hundred eighty day intervals.

(b) Turnout clothing shall be maintained as required by the manufacturer.

(8) Turnout clothing which is damaged or does not comply with this section shall not be used.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06003 HEARING PROTECTION. The hearing protection requirements of the general occupational health standards, chapter 296-62 WAC, shall ~~((apply for all fire fighters))~~ be applicable whenever personnel are exposed to noise levels above the permissible limits including at the fire station, while in transit or at ((the)) a fire scene.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06005 **HAND PROTECTION.** Any gloves purchased after the effective date of these standards shall meet the following criteria:

(1) Hand (~~protection shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall be tested in accordance with the test methods contained in the National Institute of Occupational Safety and Health (NIOSH) 1976 publication, The Development of Criteria for Fire Fighter's Gloves and shall meet the requirements established by the current WISHA and OSHA standards~~) and wrist protection at the fire combat scene and during overhaul work shall consist of gloves or a glove system which complies with the requirements of this section.

(2) Gloves purchased after January 1, 1989, shall comply with NFPA Standard, 1973, 1983 edition.

(3) Gloves used after January 1, 1991, shall comply with NFPA Standard 1973, 1983 edition.

(4) Gloves used between January 1, 1989, and January 1, 1991, may comply with either NFPA Standard 1973, 1983 edition, or the 1976 NIOSH criteria document, Volume II: Glove Criteria and Test Methods.

~~((2))~~ (5) Fire fighters engaged in activities creating hazardous exposures to electricity shall wear approved hand protection.

(a) Electrical rubber gloves guaranteed by the manufacturer to pass a minimum dielectric test of 10,000 volts shall be worn.

(b) Rubber gloves shall be numbered and records kept for test purposes.

(c) Rubber gloves shall be tested by the following maximum retesting schedule:

	Natural Rubber (Months)	Synthetic Rubber (Months)
Rubber Protective Gloves		
New	12	18
Reissued	9	15

After use, the rubber protective gloves shall be cleaned, sanitized, tested and restored for future use. The test after use shall consist of an air pressure test which is performed by grasping the cuff at opposite sides and twirling the glove so as to roll it up the cuff to produce air pressure within the glove. The glove shall be inspected for leaks, cuts, abrasions and thin places in the rubber. Patching or vulcanizing of rubber protective gloves is prohibited. Any rubber gloves found to be defective shall be removed from service and marked as being defective.

(d) Protector gloves must be worn at all times over electrical rubber gloves.

(e) Electrical rubber gloves, when not in use, shall be carried in a suitable bag provided and designed for that purpose.

(f) When electrical rubber gloves are transported on apparatus, a compartment or box shall be used to store the gloves. No other equipment shall be placed in this compartment or box.

~~((g) This section shall apply to volunteer fire fighters for any new equipment purchased.)~~

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06011 **HEAD PROTECTION.** (1) Head protection shall consist of a protective head device with chin strap. Ear flaps are optional but the helmets must meet the performance, construction and testing requirements of the United States Fire Administration model performance criteria for structural fire fighter's helmets, except that helmets shall be required to be of a light color (e.g., white, yellow, yellow/green, silver, red or orange). ~~((Black colored helmets purchased prior to the effective date of this section may remain in service providing that bands of reflective tape are applied liberally to the exterior until replaced. Employers shall comply with the requirements of this section within three years of the effective date of this chapter.))~~

(2) All helmets used by fire department personnel after January 1, 1991, shall be equivalent to the specifications of this chapter and NFPA 1972, 1980 edition.

(3) All helmets purchased thirty days after the adoption of this chapter shall be manufactured and labeled as complying with the specifications of this chapter and NFPA 1972, 1987 edition.

(a) Helmets shall be maintained in accordance with the manufacturers recommendations.

(b) Helmets which are damaged or do not comply with this section shall not be used.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-063 **RESPIRATORY EQUIPMENT** ~~((GENERAL))~~. (1) Approved self-contained respiratory equipment shall be available and used by all employees who enter into hazardous atmospheres. Filter cannister masks are not approved.

(2) Respiratory protection equipment used in fire combat situations shall be classified as self-contained pressure demand type and shall have a minimum rating of one-half hour nominal service life.

All respirators using compressed air shall have an audible warning device which will activate when the air pressure drops below twenty percent of the rated capacity.

(3) In structural or confined space fires at least one person trained in the use of self-contained breathing equipment and equipped with such equipment shall remain free of the contaminated area in order to afford rescue potential for exposed, disabled fire fighters.

(4) ~~((The respiratory protection requirements of the general occupational health, chapter 296-62 WAC, shall apply in addition to those requirements listed in WAC 296-305-063 through 296-305-06313.))~~ The respiratory protection requirements of the Occupational health standards—Safety standards for carcinogens, chapter 296-62 WAC, shall apply. A respirator program shall be developed which includes standard operating procedures addressing the following:

(a) Respiratory equipment inspections. The step-by-step inspection procedures included in the Washington state fire service training program shall be considered the criteria for a minimum inspection procedure.

(b) Breathing air cylinder filling and testing. Only personnel trained, experienced, and knowledgeable in the equipment and procedures shall fill or test air cylinders.

(c) Respiratory equipment training.

(i) Training shall address the same subjects as those covered by the Washington state fire service training program and shall involve at least the same number of hours.

(ii) After completing such training, each fire fighter shall practice at least quarterly, for each type and manufacture of respirator available for use, the step-by-step procedure for donning the respirator and checking it for proper function.

(5) At the end of suppression activities to include fire overhaul and before returning to quarters.

(a) Fire fighters shall be decontaminated prior to removal of respirators whenever fire fighting activities result in exposure to hazardous substances.

(b) When exchanging air supply bottles during suppression or overhaul activities, reasonable precautions shall be taken to maintain an uncontaminated atmosphere to the breathing zone and facepiece supply hose.

(c) The effective date of this item shall be nine months after the effective date of this section.

NEW SECTION

WAC 296-305-064 **FIRE OVERHAUL.** (1) Training shall be provided to fire fighters and officers in order that they will be knowledgeable in the identification and handling of asbestos containing materials likely to be encountered during a fire response.

(2) During the overhaul phase officers shall identify materials likely to contain asbestos, limiting the breaching of structural materials to that which is necessary to prevent the rekindle.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06505 **SLEEPING AREAS.** (1) Every fire station sleeping area shall be provided with approved detectors of products of combustion other than heat conforming to Uniform Building Code Standard 43-6, mounted in the sleeping room and on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, a detector shall be placed at the center of the ceiling directly above the stairway and at the top of the pole hole openings. All detectors shall be located within 12 inches of the ceiling. Care shall be exercised to insure that the installation will not interfere with the

operating characteristics of the detector. When activated, the detector(s) shall provide an audible alarm.

(2) Smoking shall not be allowed in sleeping area after fire fighters turn-in.

(3) Dormitories for fire stations designed after ~~((the effective date of this chapter))~~ December 17, 1977, shall be located in such a position that vehicular traffic adjacent to the station house does not present a hazard.

(4) The employer shall establish and implement a schedule for the cleaning of bedding.

AMENDATORY SECTION (Amending Order 77-20, filed 10/18/77)

WAC 296-305-06507 APPARATUS AREA. (1) Three feet of clearance shall be maintained around apparatus parked within the station where the station's width permits.

(2) Stations built after ~~((effective date of this chapter))~~ December 17, 1977, shall have a minimum of three feet of clearance around the apparatus, which shall be maintained free of any storage or obstruction.

(3) The station's apparatus floors shall be kept free of grease, oil, water and all tripping hazards. The drying of hose on the apparatus floor shall not be considered a tripping hazard.

(4) No Class I or II flammable liquids shall be used for cleaning purposes to remove grease or dirt from apparatus.

(5) Exhaust fumes from diesel or gasoline apparatus shall be emitted to the outside air. Ventilation provided by fully opened apparatus bay doors shall be considered adequate.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-06509 REFUELING AREAS. (1) ~~((For all fire stations which are constructed after the effective date of this chapter,))~~ Refueling pumps, if installed, shall be in accordance with the provisions of the Uniform Fire Code-~~((1973))~~ 1985.

(2) Dispensing of Class I liquids shall be as required in the ~~((current))~~ Uniform Fire Code-1985.

(3) Fuel tanks shall not be filled while the engine is running, except during fire ground operations. Spillage should be avoided.

(4) Spillage of oil or fuel shall be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

(5) Fueling areas shall be posted - "NO SMOKING-STOP YOUR MOTOR."

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-07001 DESIGN AND CONSTRUCTION. (1) All fire apparatus with the exception of specialized equipment, shall conform to the minimum safety standards contained in N.F.P.A. Booklet No. 1901.

(2) Fire apparatus, purchased after ~~((effective date of code))~~ December 17, 1977, weighing 10,000 pounds or more shall conform with the following department of transportation standards, when applicable:

- (a) 571-121 Standard 121, Air brake systems;
- (b) 571-106 Standard 106, Hydraulic brake hoses;
- (c) 571-211 Standard 211, Wheel nuts, wheel discs, hub caps.

(3) Employers purchasing used fire apparatus or used military equipment shall not be required to bring them under a more stringent code than the one in force at the time the apparatus was manufactured. The exception to this rule would be seat belts and communication systems between the tailboard or tiller's seat and driver compartment as stipulated in WAC 296-305-07003(2), 296-305-07007(1), 296-305-105 (5)(a) and (b), and 296-305-110(4).

(4) Where practicable for the intended application and use, new apparatus purchased after ~~((the effective date of this chapter))~~ December 17, 1977, shall have covered crew cabs.

(5) Fire apparatus tailboards and steps leading to the cab shall have a nonskid rough surface.

(6) Shields shall be provided for individuals who ride the side of city service apparatus to protect them from flying debris and weather.

(7) Exhaust systems shall be installed and maintained in proper condition, and shall be so designed as to eliminate the exposure of the fire fighter to the exhaust gases and fumes.

(8) Spinner knobs shall not be attached to steering handwheels of fire apparatus.

(9) The transmission shifting pattern of the apparatus shall be clearly stenciled or labeled and posted so it can be clearly read by the driver while operating the apparatus.

(10) The height of the apparatus from the ground to the top of the beacon or highest point of apparatus shall be clearly labeled in a place where it can be easily and clearly read by the driver while operating the apparatus.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-07003 AUTOMOTIVE FIRE APPARATUS EQUIPMENT. (1) Vehicles used to transport fire fighter and employer representatives shall have compartments for carrying sharp tools, saws, chisels, axes, etc., or if carried on the outside of the apparatus, sharp points and edges shall be covered to prevent injury to fire fighters and employer representatives.

(2) ~~((All apparatus shall have at least pelvic seat belts for all fire fighters assigned a seated position))~~ Personnel restraints for traveling.

(a) All personnel shall ride in a seated position if adequate seats are available.

(b) While in transit, all operators and passengers shall be protected from accidental displacement out of or off the apparatus. Means of restraint may include but are not limited to:

(i) For seated passengers, correct use of at least a pelvic seatbelt. Seatbelts shall comply with Part 49 CFR Section 571, Standards 209 and 210, U.S. DOT Regulations;

(ii) For tailboard passengers, containment within a guardrail enclosure or correct use of a safety belt and short lanyard securely connected to the apparatus;

(iii) Safety belt lanyards shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5400 pounds.

(c) Safety belts shall be constructed and maintained in compliance with ANSI A10.14-1975.

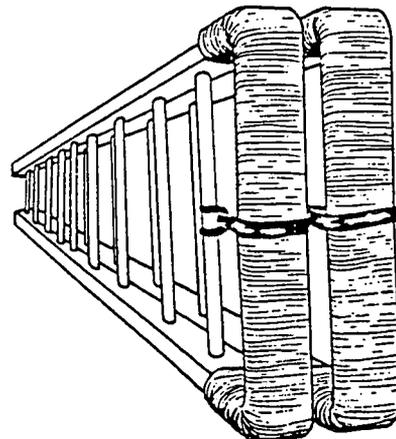
(d) Lanyards shall be a minimum of one-half inch nylon or equivalent with a nominal breaking strength of 5400 pounds.

(e) Minimum structural members for tailboard enclosures shall be two-inch diameter standard schedule 40 pipe or the equivalent. The enclosure shall be constructed to a minimum top rail height of forty-two inches and shall include a midrail and a toeboard at least four inches high. Access door(s) shall be constructed and mounted to achieve structural integrity comparable to the remainder of the enclosure. The door(s) latch shall be equivalent to a one-quarter inch by two-inch solid steel bar.

(3) Each fire apparatus shall carry ~~((a chemical safety slide rule, or its equivalent, available from the National Safety Council))~~ a United States Department of Transportation chemical identification book or the equivalent.

(4) Ladders stowed on the sides of apparatus, which protrude into a passage area of a fire station, shall have guards over the butt ends. This guard can be in the form of a short piece of 2-1/2 inch hose.

(5) No employer shall permit automotive fire apparatus equipment which has an obstructed view to the rear to be used in reverse gear unless the equipment has in operation a reverse signal alarm distinguishable from the surrounding noise level.



AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-305-100 LADDERS. This section establishes the minimum requirements for the construction, care and use of the common types of ladders used in fire combat. (~~Attic ladders, whether constructed of wood, metal or fiberglass shall be excluded from this section:~~)

(1) Ladder locks or pawls on extension ladders shall be so fastened or secured to the beams that vibration and use will not cause loosening of bolts and nuts. Pawls or ladder locks shall be so constructed that the hook portion of the pawl that engages the rung shall have sufficient bearing surface or area to prevent the hook from cutting into rungs when engaged. Such hooks shall be properly finished to eliminate sharp edges and points.

(2) (~~Portable roof ladders shall be provided with folding type hooks of sufficient strength to support a direct load of 500 pounds.~~)

(~~3~~) Staypoles or tormenters shall be furnished on all extension ladders extending over 36 feet. Staypole or tormenters spikes shall not project beyond the end of the ladder when nested.

(~~4~~) (3) All ladders shall be stored in a manner to provide ease of access for inspection, and to prevent danger of accident when withdrawing them for use.

(~~5~~) (4) All ladders regardless of type must be inspected thoroughly after each use. Records shall be kept of the inspections and repairs.

(~~6~~) The following wooden ladder components shall be visually inspected:

(a) Rungs for looseness, wear, slivers, checks or cracks, dry rot, paint and varnish.

(b) Beams for slivers, checks or cracks, dry rot, condition of varnish or paint, warping and tie rods and beam bolts.

(c) Heal plates for defects in metal parts, dullness and cracked parts.

(d) Halyards for dry rot, weak spots and frayed or worn spots.

(e) Pulleys and locks for breakage, wear, lubrication and check springs.

(f) Bolts (tie and beam) for tightness and burrs or sharp edges.

(~~7~~) (5) The following metal ladder components shall be checked:

(a) Rungs for welds, damage or weakness caused by overloading or bumping against other objects, looseness and cracks, etc.

(b) Beams for welds, rivets and bolts, signs of strain or metal fatigue, and deformation from heat or overloading.

(c) Halyards for the same defects listed for wood ladder halyards and cable halyards, for fraying or breaking.

(~~8~~) (6) Methods of fastening ladder halyards, either of wire or fibrous material, shall be in a manner that the connection is stronger than the halyard.

(~~9~~) (7) Any defect noted in above visual inspection shall be corrected prior to testing.

(~~10~~) (8) Every portable ladder shall be tested following the correction of defects disclosed by the visual inspections.

(~~11~~) ~~Portable ladder testing and inspecting shall follow the recommendations of the current National Fire Code.~~

(9) New ground ladders purchased after the effective date of this chapter shall be constructed and certified in accordance with the requirements of NFPA Standard 1931, 1984 edition.

(10) All fire ground ladders shall be inspected, tested, and maintained in accordance with the requirements of NFPA Standard 1932, 1984 edition. To include tentative interim amendment 1932-84-2.

Note: Hardness testing and eddy current NDE testing is not required in the fire department annual maintenance inspection unless the individual ladder has been subjected to a high heat exposure which could have annealed the metal and diminished the structural integrity. The ladder manufacturer's recommendations should be followed with respect to hardness and eddy current testing.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-305-06301 RESPIRATORY EQUIPMENT EFFECTIVE DATES.
- WAC 296-305-06303 RESPIRATORY EQUIPMENT APPROVALS.

- WAC 296-305-06305 RESPIRATORY EQUIPMENT INSPECTION.
- WAC 296-305-06307 RESPIRATORY EQUIPMENT TESTING.
- WAC 296-305-06309 RESPIRATORY PROTECTION EQUIPMENT MAINTENANCE AND REPAIR.
- WAC 296-305-06311 RESPIRATORY EQUIPMENT TRAINING.
- WAC 296-305-06313 FILLING AIR CYLINDERS.
- WAC 296-305-9901 TESTING EXTENSION LADDERS—FIGURE 14.
- WAC 296-305-9902 TESTING EXTENSION LADDERS—FIGURE 15.
- WAC 296-305-9903 TESTING EXTENSION LADDERS—ILLUSTRATION.
- WAC 296-305-9904 TESTING EXTENSION LADDERS—ILLUSTRATION.
- WAC 296-305-9905 TESTING EXTENSION LADDERS—ILLUSTRATION.
- WAC 296-305-9906 TESTING EXTENSION LADDERS—ILLUSTRATION.

Chapter 296-59 WAC
SAFETY STANDARDS FOR SKI AREA FACILITIES AND OPERATIONS

- WAC 296-59-001 Foreword.
- 296-59-003 Scope and application.
- 296-59-005 Incorporation of other standards.
- 296-59-007 Definitions.
- 296-59-010 Safe place standards.
- 296-59-015 General requirements.
- 296-59-020 Management's responsibility.
- 296-59-025 Employee's responsibility.
- 296-59-027 Work activities which include skiing.
- 296-59-030 Safety bulletin board.
- 296-59-035 First-aid training and certification.
- 296-59-040 First-aid kits and supplies.
- 296-59-050 Personal protective equipment, general requirements.
- 296-59-055 Lockout requirements.
- 296-59-060 Vessel or confined area requirements.
- 296-59-065 Fire protection and ignition sources.
- 296-59-070 Illumination.
- 296-59-075 Electrical equipment and distribution.
- 296-59-080 Installation, inspection, and maintenance of pipes, piping systems, and hoses.
- 296-59-085 Scaffolds, construction, use, and maintenance.
- 296-59-090 Mobile equipment and lift trucks.
- 296-59-095 Requirements for cranes and hoists—General safety and health standards to prevail.
- 296-59-100 Avalanche control.
- 296-59-102 Acceptable warning signs for typical avalanche control explosive device(s) duds.
- 296-59-103 Storage, makeup, and use of explosives for avalanche control blasting.
- 296-59-105 Handcharge makeup methods.
- 296-59-107 Avalanche control blasting.
- 296-59-109 Retrieving misfires or duds.
- 296-59-115 Ski lift facilities and structures.
- 296-59-120 Ski lift operations.
- 296-59-125 Ski lift aerial work platforms.
- 296-59-130 Ski lift machinery guarding.

NEW SECTION

WAC 296-59-001 FOREWORD. (1) This vertical standard is promulgated in accordance with applicable provisions of the Washington state Administrative Procedure Act, chapter 34.04 RCW, and the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

(2) The requirements of this chapter shall be applied through the department of labor and industries, division of industrial safety and health, in accordance with administrative procedures provided for in chapter 49.17 RCW, and chapters 296-27, 296-350, and 296-360 WAC.

NEW SECTION

WAC 296-59-003 SCOPE AND APPLICATION. (1) The rules of this chapter are applicable to all persons, firms, corporations, or others engaged in the operation of organized ski areas and facilities within the jurisdiction of the department of labor and industries. These rules shall augment the WAC general horizontal standards, specifically referenced WAC vertical standards, and specifically referenced national standards or manuals.

(2) In the event that specific provisions of this chapter may conflict with any other WAC chapter, national standard, or manual, the provisions of this chapter shall prevail.

(3) The rules of this chapter shall not be applied to rescue crews during the time that rescue procedures are in process provided that reasonably prudent methods, equipment, and processes are employed. Personnel directly engaged in rescue operations shall not be subjected to the immediate restraint provisions of RCW 49.17.130.

(4) Nothing herein contained shall prevent the use of existing ski lift and tow equipment during its lifetime unless specific requirements of this chapter require retrofitting or modifications, provided that it shall be in conformance with applicable national or state code requirements at the time of manufacture and be maintained in good condition to conform with safety factors for the materials and method of manufacture used.

(5) Severability. If any provision of this chapter, or its application to any person, firm, corporation, or circumstance is held invalid under state (RCW) or national (Public Law) laws, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected.

(6) Variance and procedure. Recognizing that conditions may exist which do not exactly meet the literal requirements of this or other applicable Title 296 WAC standards, pursuant to RCW 49.17.080 and 49.17.090, the director of the department of labor and industries or his/her authorized representative may permit a variance when other means of providing an equivalent measure of protection are afforded. The specific requirements and procedures for variance application are contained in chapters 296-350 and 296-360 WAC. Application forms may be obtained from the assistant director for safety and health or from regional departmental offices.

NEW SECTION

WAC 296-59-005 INCORPORATION OF OTHER STANDARDS. (1) Lifts and tows shall be designed, installed, operated, and maintained in accordance with American National Standard Institute (ANSI) B77.1-1982, Standards for Passenger Tramways—Aerial Tramways and Lifts, Surface Lifts, and Tows—Safety Requirements.

(2) Future revised editions of ANSI B77.1-1982 may be used for new installations or major modifications of existing installations, as recommended or approved by the equipment manufacturer or a qualified design engineer, except that, where specific provisions exist, variances shall be requested from the department.

(3) Commercial explosives shall be transported, stored, and used in compliance with chapter 296-52 WAC, Safety standards for the possession and handling of explosives, and chapter 70.74 RCW, Washington State Explosives Act, except that avalanche control blasting shall comply with the special provisions of this chapter.

(4) The use of military type weapons for avalanche control shall comply with all requirements of the United States government and/or the military branch having jurisdiction. Compliance shall include qualification of employees, security requirements, and storage and handling of ammunition.

(5) When employees perform activities such as construction work or logging, the WAC chapter governing the specific activity shall apply, e.g., chapter 296-155 or 296-54 WAC, et seq.

NEW SECTION

WAC 296-59-007 DEFINITIONS. (1) "Act" means the Washington Industrial Safety and Health Act of 1973, RCW 49.17-.010 et seq.

(2) "Aerial work platform" means any form of work platform, work chair, or workbasket designed to lift or carry workmen to an elevated work position.

(3) "ANSI" means the American National Standards Institute.

(4) "Approved" means approved by the director of the department of labor and industries except where this code requires approval by another specific body or jurisdiction authority.

(5) "ASME" means the American society of mechanical engineers.

(6) "Attended," as attending explosives, means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert, and not engaged in activities which may divert their attention so that in case of an emergency the attendant can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

(7) "Authorized person" means a person approved or assigned by the employer to perform specific duties or to be at specific restricted locations.

(8) "Avalanche" means the sliding or falling of a large amount of snow down a steep slope which has a destructive force due to its mass.

(9) "Avalanche control pack" means a specially designed and constructed pack for carrying explosives.

(10) "Avalanche control route" means a route or specific path which is used by authorized persons in order to control the occurrence of avalanches.

(11) "Avalancher" means a device like a cannon which is used for avalanche control blasting. It has a rotating base calibrated for pointing and the barrel is mounted on an elevating mechanism. It uses a compressed gas to propel a projectile containing an explosive charge and detonating means. The gas source is connected to the gun by high pressure hose with in-line control valves and pressure gauges ahead of the trigger mechanism.

(12) "Belay" means to provide an anchor for a safety line when a person is working in a position exposed to falling or sliding, the mountaineering term.

(13) "Blaster's license" means an individual license issued by the department under the provisions of chapter 296-52 WAC.

(14) "Blasting cap" or "cap" when used in connection with the subject of explosives shall mean detonator.

(15) "Buildings that are not inhabited" means a building(s) which has no one in it while explosives are being made up in an adjacent explosives makeup room or while explosives are being held in an adjacent day box or hand charge storage facility.

(16) "Designated" means appointed or authorized by the highest management authority available at the site.

(17) "Department" means the department of labor and industries, division of industrial safety and health, unless the context clearly indicates otherwise.

(18) "Director" means the director of the department of labor and industries or his/her designated representative.

(19) "Dud" or "misfire" means an explosive charge with a detonating means which does not explode when detonation is attempted.

(20) "Fuse igniter" means a special pyrotechnic device intended to be used to ignite safety fuses.

(21) "Handcharge" means an explosive charge with a cap and fuse assembly inserted in place.

(22) "Hazard" means that condition, potential or inherent, which might cause injury, death, or occupational disease.

(23) "Lift certificate to operate" means an operating certificate issued by the Washington state parks and recreation commission pursuant to chapter 70.88 RCW subsequent to annual inspections as required by chapter 352-44 WAC.

(24) "N.E.C." means the National Electric Code, as published by either the National Fire Protection Association or ANSI.

(25) "Occupied building" means a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble.

(26) "Qualified" means one who, by possession of a recognized degree, certificate, license, or professional standing, has successfully demonstrated the personal ability to solve or resolve problems relating to the subject matter, the work, or the project.

(27) "RCW" means the Revised Code of Washington, legislative law.

(28) "ROPS" means rollover protective structure.

(29) "S.A.E." means the society of automotive engineers.

(30) "Safety factor" means the ratio of ultimate breaking strength of any member or piece of material or equipment to the actual working stress or safe load when in use.

(31) "Shall" indicates a mandatory requirement.

(32) "Should" indicates a recommended practice.

(33) "WAC" means the Washington Administrative Code.

(34) "WISHA" means Washington industrial safety and health administration.

NEW SECTION

WAC 296-59-010 SAFE PLACE STANDARDS. The safe place requirements of the general safety and health standards, WAC 296-24-073, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-015 GENERAL REQUIREMENTS. (1) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of this chapter is prohibited. Such machine, tool, material, or equipment shall either be identified as unsafe by tagging or locking the controls to render them inoperable or shall be physically removed from its place of operation.

(2) The employer shall permit only those employees qualified by training or experience to operate equipment and machinery.

(3) Employees shall use safeguards provided for their protection.

(4) Loose or ragged clothing, scarfs, or ties shall not be worn while working around moving machinery.

(5) Workers should not be assigned or permitted to occupy work locations directly under other workers. When such practice is unavoidable, all parties shall be made aware of the potential hazard and adequate protective measures shall be taken. When adequate protective measures are not available, one party shall be moved to eliminate the potential exposure.

(6) Employees shall report to their employers the existence of any unsafe equipment or method, or any other hazard which, to their knowledge, is unsafe. Where such unsafe equipment or method or other hazard exists in violation of this chapter it shall be corrected.

(7) Housekeeping.

(a) All places of employment shall be kept clean to the extent that the nature of the work allows.

(b) The floor of every workroom shall be maintained so far as practicable in a dry condition. Where wet processes are used, drainage shall be maintained. Where necessary or appropriate, waterproof footwear shall be worn.

(c) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, loose boards, unnecessary holes and openings or other tripping hazards.

(d) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air with dust and so far as is practical, shall be done outside of working hours.

NEW SECTION

WAC 296-59-020 MANAGEMENT'S RESPONSIBILITY. The "management's responsibility" section of the general safety and health standards, WAC 296-24-020, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-025 EMPLOYEE'S RESPONSIBILITY. The "employee's responsibility" section of the general safety and health standards, WAC 296-24-025, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-027 WORK ACTIVITIES WHICH INCLUDE SKIING. Management shall develop a written safety program for all employees whose job duties include skiing. The program shall include but is not limited to the following:

(1) The skiing ability and physical condition of individuals shall be considered when determining individual job assignments;

(2) The ski equipment used shall be appropriate for the individual when performing any given job assignment;

(3) The condition of all ski equipment shall be checked by a qualified individual at the beginning of each ski season;

(4) Employees shall be instructed not to use ski equipment until it has been checked and approved;

(5) Employees shall be instructed to ski within their ability and in control at all times;

(6) Employees shall be required to check all ski equipment, including adjustments, before starting work each day;

(7) Employees shall be instructed not to use ski equipment which is defective or out of adjustment.

NEW SECTION

WAC 296-59-030 SAFETY BULLETIN BOARD. The "safety bulletin board" requirements of the general safety and health standards, WAC 296-25-055, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-035 FIRST-AID TRAINING AND CERTIFICATION. The "first-aid training and certification" requirements of the general safety and health standards, WAC 296-24-060, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-040 FIRST-AID KITS AND SUPPLIES. The "first-aid kits and supplies" requirements of the general safety and health standards, WAC 296-24-065, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-050 PERSONAL PROTECTIVE EQUIPMENT, GENERAL REQUIREMENTS. (1) Application.

(a) Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is indicated by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact.

(b) Employee-owned equipment. Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) Design, construction, testing, and use of personal protective equipment shall comply with the requirements of the General safety and health standards, chapter 296-24 WAC, the Occupational health standards—Safety standards for carcinogens, chapter 296-62 WAC, or the currently applicable ANSI standard.

(2) Eye and face protection. Eye and face protective equipment shall be provided and worn where there is exposure in the work process or environment to hazard of injury, which can be prevented by such equipment.

(3) Occupational head protection. Employees working in areas where there is a possible danger of head injury from impact, or from falling or flying objects, or from electrical shock and burns, shall be protected by protective helmets, i.e., a lift operator would not be required to use a hardhat while operating the lift. However, if that same person is assisting with maintenance operations and is working under a tower where overhead work is being done, that operator would now be required to wear an approved helmet.

(a) Helmets for the protection of employees against impact and/or penetration of falling and flying objects shall meet the specifications contained in American National Standards Institute, Z89.1-1969, Safety Requirements for Industrial Head Protection.

(b) Helmets for the head protection of employees exposed to high voltage electrical shock and burns shall meet the specifications contained in American National Standards Institute, Z89.2-1971.

(c) Approved head protection shall be worn by operators of snow-mobles and other mobile oversnow equipment which is not equipped with a rigid metal operator's cab or ROPS.

(4) Occupational foot protection.

(a) Substantial footwear appropriate for the work conditions encountered shall be worn by all employees.

(b) Where the job assignment includes exposure to slipping hazards, soles and heels of footwear shall be of such material and design as to reduce the hazard of slipping.

(5) Safety belts, lifelines, lanyards, and nets.

(a) Safety belts, lifelines, and lanyards which meet the requirements of ANSI A10.14 shall be provided and used whenever employees are working in locations which expose them to a fall of more than ten feet. The particular work location and application shall dictate which type of belt or harness and length of lanyard is used.

(b) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of five thousand four hundred pounds.

(c) Lifelines used on rock scaling applications or in areas where the lifeline may be subjected to cutting or abrasion shall be a minimum of seven-eighths inch wire core manila rope or equivalent. For all other lifeline applications, three-fourths inch manila rope or equivalent with a minimum break strength of five thousand four hundred pounds may be used.

(d) Each safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a minimum of five thousand four hundred pounds breaking strength.

(e) Employees will not be required to wear a safety belt and lanyard while riding on a standard lift chair while seated in the normal riding position.

(f) Safety nets meeting the requirements of ANSI A10.11 shall be used when other acceptable forms of fall protection are not useable. When used, safety nets shall extend a minimum of eight feet beyond the edge offering exposure, shall be hung with sufficient clearance to prevent user's contact with surfaces or objects below, and shall not be more than twenty-five feet below the fall exposure edge.

NEW SECTION

WAC 296-59-055 LOCKOUT REQUIREMENTS. (1) Each employer shall develop a formal written policy and procedure for lockout requirements. The policy shall embody the principles of subsection (2) of this section and shall clearly state that the procedures must be applied in all instances.

(a) The lockout policy shall be posted on all required employee bulletin boards.

(b) The lockout policy and procedures shall be made a part of new employee orientation and employee training programs.

(c) Supervisors and crew leadpersons shall assure compliance with the published policy and procedures in all instances.

(2) Whenever the unexpected start-up of machinery, the energizing of electrical circuits, the flow of material in piping systems, or the removal of guards would endanger workers, such exposure shall be prevented by deactivating and locking out the controls as required by this section.

(3) Equipment requirements.

(a) The employer shall provide and each employee shall use as many padlocks, tags, chains, or devices as are necessary to implement these requirements.

(b) Provisions shall be made whereby the source of power or exposure can be locked out in accordance with the requirements of this section.

(c) On electrically powered equipment, "stop/start" control switches shall not be used as lockout switches. Lockout switches must be the primary circuit disconnects and must adequately separate both the power source and any auxiliary power unit from the prime mover so that accidental start-up of the equipment being locked out is precluded.

(d) Keyed-alike locks, which all open with identical keys, shall not be issued as personal lockout locks.

(4) Training requirements.

(a) Each person who will be given authority to implement these requirements shall first be thoroughly trained in the requirements and procedures.

(b) Before being given authority to deactivate and lockout a particular system or piece of equipment, authorized personnel shall be made fully aware of all power sources and/or material entry sources which may offer exposure.

(c) Checklists shall be used to implement effective lockout procedures for complex systems or equipment.

(i) Complex is identified as those systems or equipment which require the locking out of four or more controls to assure isolation or which have controls remote from the immediate work area.

(ii) Checklists shall identify all controls necessary to achieve isolation at the intended worksite(s).

(iii) Checklists shall provide a space after each listed control to be used for the identity of the person(s) who performed the lockout and required post-lockout tests of each control.

(iv) Checklists shall be prepared by qualified personnel and approved by the responsible area supervisor before each use.

(5) Control procedure.

(a) Each person who could be exposed to the hazard shall apply a personal padlock on each control mechanism. Padlocks shall be applied in such a manner as to physically block the controls from being moved into the operating position. Each lock shall be personally identified or an information tag identifying the owner shall be attached to the lock.

(b) Padlocks used in lockout procedures may only be removed by the person identified on the lock, except, when it is positively determined that the owner/user of the lock has left the premises without removing a lock, the job supervisor may remove the lock in accordance with a specific procedure formulated by the local plant labor management safety committee or approved by the department.

(6) Testing after lockout or tagout. After tagging or locking out equipment, a test shall be conducted to ascertain that the equipment has been made inoperative or the flow of material has been positively stopped. Precautions shall be taken to ascertain that persons will not be subjected to any hazard while conducting the test if the power source or flow of material is not shut off.

(7) Temporary or alternate power to be avoided. Whenever possible, temporary or alternate sources of power to the equipment being worked on shall be avoided. If the use of such power is necessary, all affected employees shall be informed and the source of temporary or alternate power shall be identified.

(8) Where tags or signs are required to implement the lockout and control procedures, the tag and attachment device shall be constructed of such material that it will not be likely to deteriorate in the environment that it will be subjected to.

(9) Provisional exception. Electrical lighting and instrument circuits of two hundred forty volts or less on single phase systems or two hundred seventy-seven volts on three-phase systems may be exempted from the lockout requirements of subsection (5)(a) of this section provided that:

(a) An information tag meeting the requirements of subsection (8) of this section is used in lieu of a padlock.

(b) The information tag shall be placed on the switch or switch cover handle in such a manner as to easily identify the deactivated switchgear.

(10) Deactivating piping systems.

(a) Hazardous material systems are defined as: Gaseous systems that are operated at more than two hundred psig; systems containing any liquid at more than five hundred psig; systems containing any material at more than 130°F; systems containing material which is chemically hazardous as defined by NFPA 704 M Class 3 and 4; systems containing material classified as flammable or explosive as defined in NFPA Class 1.

(b) Lockout of piping systems shall provide isolation to the worksite, including backflow where such potential exists and where the system is classified as a hazardous material system. The required method shall be applied based on the content of the system as specified below:

(i) Nonhazardous systems shall be deactivated by locking out either the pump or a single valve.

(ii) Hazardous material systems shall be deactivated by one of the following methods:

(A) Locking out both the pump and one valve between the pump and the worksite;

(B) Locking out two valves between the hazard source and the worksite;

(C) Installing and locking out a blank flange between the hazard source and worksite.

Exception: Aerial tramways and lifts, surface lifts and tows. It is recognized that some inspection, testing, running adjustments, and maintenance tasks cannot be accomplished on this equipment while using standard lockout procedures, particularly when using a work platform suspended from the haulrope. Management of each ski area shall therefore develop a specific written procedure to be used in any instance where any potentially exposed personnel cannot personally lock the controls. The procedure for each area shall meet the following minimum requirements:

(I) The controls shall be attended by a qualified operator at all times when personnel are in potentially exposed work positions and the controls are not padlocked out.

(II) Direct communication capability between the control operator and remote work crew shall be maintained at all times.

(III) All personnel involved shall be thoroughly trained in the exact procedures to be followed.

(IV) Extension tools which minimize personnel exposure shall be used where possible.

(V) The equipment shall be operated at the slowest speed possible consistent with the task at hand.

(VI) This exception shall not be used by more than one workcrew at more than one remote location on any single piece of equipment or system.

(VII) This exception is limited to work on the haulrope, towers, and replacing bullwheel liners. For all other work on the bullwheels or drive operations, the master disconnect shall be deactivated and locked out.

Note: See Appendix 2 for illustrative example.

NEW SECTION

WAC 296-59-060 VESSEL OR CONFINED AREA REQUIREMENTS. The requirements of WAC 296-62-145, general occupational health standards, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-065 FIRE PROTECTION AND IGNITION SOURCES. The requirements of WAC 296-24-585, et seq., relating to fire protection requirements, shall be applicable within the scope of chapter 296-59 WAC.

NEW SECTION

WAC 296-59-070 ILLUMINATION. (1) Sufficient illumination required. All areas shall be sufficiently illuminated in order that persons in the area can safely perform their assigned duties. The recommended levels of illumination specified in chapter 296-62 WAC, general occupational health standards, shall be followed. When areas are not specifically referred to in chapter 296-62 WAC and the adequacy of illumination for the area or task performed is questionable, a determination of the amount of illumination needed may be made by the division of industrial safety and health.

(2) Emergency or secondary lighting system required.

(a) There shall be an emergency or secondary lighting system which can be actuated immediately upon failure of the normal power supply system. The emergency or secondary lighting system shall provide illumination in the following areas:

(i) Wherever it is necessary for workers to remain at their machine or station to shut down equipment in case of power failure;

(ii) At stairways and passageways or aisles used by workers as an emergency exit in case of power failure;

(iii) In all plant first-aid and/or medical facilities;

(iv) In emergency power and control room, i.e., in emergency generator rooms unless arranged to start automatically in the event of power failure, or on ski lift motor drive rooms where it would be necessary for employees to switch on the emergency drive system during night skiing.

(b) Emergency lighting facilities shall be checked at least every thirty days for mechanical defects. Defective equipment shall be given priority for repair schedule.

(3) Extension cord type lights. All extension cord type lights shall be provided with proper guards.

NEW SECTION

WAC 296-59-075 ELECTRICAL EQUIPMENT AND DISTRIBUTION. (1) National Electrical Code to prevail. All electrical installations and electrical utilization equipment shall comply with the National Electrical Code requirements.

Exception: In instances where (N.E.C.) conflicts with ANSI B77.1 with respect to tramways, surface lifts, or tows, ANSI B77.1 shall prevail.

(2) Authorized personnel to do electrical work. Only those persons who are qualified to do the work assigned and are authorized by the employer shall be allowed to perform electrical work on any electrical equipment or wiring installations.

(3) High voltage areas to be guarded. Motor rooms, switch panel rooms, or other areas where persons may come in contact with high voltages shall be fenced off or be enclosed in a separate area. The gate, door, or access to such area shall be posted with a notice stating that only authorized persons are allowed in the area.

(4) Control panels. In areas where mobile equipment operates, floor stand panels shall be protected from being struck by moving equipment. Start or run handles and buttons shall be protected from accidental actuation.

(5) Switches or control devices. Switches, circuit breakers, or other control devices shall be so located that they are readily accessible for activation or deactivation and shall be marked to indicate their function or machine which they control. The positions of ON and OFF

shall be marked or indicated and provision shall be made for locking out the circuit.

(6) Starting requirements for electrically driven equipment after power failure. Electrically driven equipment shall be so designed that it will not automatically start upon restoration of power after a power failure if it will create a hazard to personnel.

(7) Posting equipment automatically activated or remotely controlled. Equipment which is automatically activated or remotely controlled shall be posted, warning persons that machine may start automatically if it will create a hazard to personnel.

NEW SECTION

WAC 296-59-080 INSTALLATION, INSPECTION, AND MAINTENANCE OF PIPES, PIPING SYSTEMS, AND HOSES.

(1) Definitions applicable to this section.

(a) "Hazardous material system" is any system within the following classifications:

(i) "Flammable or explosive" - any system containing materials which are hazardous because they are easily ignited and create a fire or explosion hazard, defined by NFPA as Class I liquids;

(ii) "Chemically active or toxic" - any system containing material which offers corrosion or toxic hazard in itself or can be productive of harmful gases upon release, defined by NFPA 704M as Class 3 and 4 materials;

(iii) "Thermally hazardous" - any system above 130°F which exposes persons to potential thermal burns;

(iv) "Pressurized" - any gaseous system above two hundred psig or liquid system above five hundred psig.

(b) "Piping system" - any fixed piping, either rigid pipe or flexible hose, including all fittings and valves, in either permanent or temporary application.

(2) Design and installation. All new piping systems intended to be used in hazardous material service shall be designed and installed in accordance with applicable provisions of the ASME Code for Pressure Piping or in accordance with applicable provisions of ANSI B31.1 through B31.8. The referenced edition in effect at the time of installation shall be utilized.

Note: Both referenced standard have identical requirements.

(3) Inspection and maintenance.

(a) Management shall develop a formal program of inspections for all hazardous material piping systems. The program shall be based on sound maintenance engineering principles and shall demonstrate due consideration for the manufacturing specifications of the pipe, hose, valves, and fittings, the ambient environment of the installation and the corrosive or abrasive effect of the material handled within the system.

(b) Type and frequency of tests and/or inspections and selection of inspection sites shall be adequate to give indications that minimum safe design operating tolerances are maintained. The tests may include visual and nondestructive methods.

(c) All employers shall submit their formal program of initial and ongoing inspections to the department for approval within one year after the effective date of this requirement.

(d) All existing hazardous material systems shall be inspected to the criteria of this section prior to two years after effective date, or in accordance with a schedule approved by the department.

(4) Inspection records.

(a) Results of inspections and/or tests shall be maintained as a record for each system.

(b) Past records may be discarded provided the current inspection report and the immediate preceding two reports are maintained.

(c) When a system is replaced, a new record shall be established and all past records may be discarded.

(d) The records for each system shall be made available for review by the department upon request.

(e) The employer may omit the inspection requirements for portions of existing systems that are buried or enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure.

(5) Systems or sections of systems found to be below the minimum design criteria requirements for the current service shall be repaired or replaced with component parts and methods which equal the requirements for new installations.

(6) Identification of piping systems.

(a) Pipes containing hazardous materials shall be identified. It is recommended that USAS A13.1 "Scheme for Identification of Piping Systems" be followed.

(b) Positive identification of piping system content shall be identified by lettered legend giving the name of the content in full or abbreviated form, or a commonly used identification system. Such identification shall be made and maintained at suitable intervals and at valves, fittings, and on both sides of walls or floors. Arrows may be used to indicate the direction of flow. Where it is desirable or necessary to give supplementary information such as hazard of use of the piping system content, this may be done by additional legend or by color applied to the entire piping system or as colored bands. Legends may be placed on colored bands.

Examples of legends which may give both positive identification and supplementary information regarding hazards or use are:

Ammonia	Hazardous liquid or gas
Chlorine	Hazardous liquid or gas
Liquid caustic	Hazardous liquid
Sulphuric acid	Hazardous liquid
Natural gas	Flammable/explosive gas

Note: Manual L-1, published by Chemical Manufacturers Association, Inc., is a valuable guide in respect to supplementary legend.

(c) When color, applied to the entire piping system or as colored bands, is used to give supplementary information it should conform to the following:

CLASSIFICATION	PREDOMINANT COLOR
F-Fire-protection equipment . . .	Red
D-Dangerous materials	Yellow (or orange)
S-Safe materials	Green (or the achromatic colors, white, black, gray, or aluminum)
And, when required, P-Protective materials	Bright blue

(d) Legend boards showing the color and identification scheme in use shall be prominently displayed at each plant. They shall be located so that employees who may be exposed to hazardous material piping systems will have a frequent reminder of the identification program.

(e) All employees who work in the area of hazardous material piping systems shall be given training in the color and identification scheme in use.

NEW SECTION

WAC 296-59-085 SCAFFOLDS, CONSTRUCTION, USE, AND MAINTENANCE. (1) Whenever work must be performed at a height which cannot be reached from the floor or permanent platform and where it would not be a safe practice to use a ladder, a properly constructed scaffold shall be provided and used.

(2) Scaffolds shall be constructed and used in compliance with WAC 296-24-825 through 296-24-84013.

NEW SECTION

WAC 296-59-090 MOBILE EQUIPMENT AND LIFT TRUCKS. (1) Mobile equipment shall be designed, constructed, maintained, and used in accordance with this section and appropriate ANSI and/or SAE requirements.

(2) Operator training.
 (a) Methods shall be devised by management to train personnel in the safe operation of mobile equipment.

(b) Training programs for all mobile equipment shall include the manufacturer's operating instructions when such instructions are available.

(c) Only trained and authorized operators shall be permitted to operate such vehicles.

(3) Special duties of operator. Special duties of the operator of a power-driven vehicle shall include the following:

(a) Test brakes, steering gear, lights, horns, warning devices, clutches, etc., before operating vehicle;

(b) Not move a vehicle while an unauthorized rider is on his vehicle;

(c) Slow down and sound horn upon approaching blind corners or other places where vision or clearance is limited;

(d) Comply with all speed and traffic regulations and other applicable rules;

(e) Have the vehicle being operated under control at all times so that he can safely stop the vehicle in case of emergency; and

(f) Keep the load on the uphill side when driving a forklift vehicle on a grade.

(4) Operator to be in proper position. Control levers of lift trucks, front end loaders, or similar types of equipment shall not be operated except when the operator is in his proper operating position.

(5) Raised equipment to be blocked. Employees shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall be used in conjunction with the jack.

(6) Precautions to be taken while inflating tire. Unmounted split rim wheels shall be placed in a safety cage or other device shall be used which will prevent a split rim from striking the worker if it should dislodge while the tire is being inflated.

(7) Reporting suspected defects. If, in the opinion of the operator, a power-driven vehicle is unsafe, the operator shall report the suspected defect immediately to the person in charge. Any defect which would make the vehicle unsafe to operate under existing conditions shall be cause for immediate removal from service. The vehicle shall not be put back into use until it has been made safe.

(8) Safe speed. Vehicles shall not be driven faster than a safe speed compatible with existing conditions.

(9) Unobstructed view.

(a) Vehicle operators shall have a reasonably unobstructed view of the direction of travel. Where this is not possible, the operator shall be directed by a person or by a safe guidance means or device.

(b) Where practical, mirrors shall be installed at blind corners or intersections which will allow operators to observe oncoming traffic.

(c) It is recommended that vehicles operating in congested areas be provided with an automatic audible or visual alarm system.

(10) Passengers to ride properly.

(a) Passengers shall not be permitted to ride with legs or arms extending outside the running lines of the cab, FOPS, or ROPS of any vehicle.

(b) Passengers on mobile oversnow equipment shall ride within the cab unless exterior seating is provided. The exterior seating may include the cargo bed provided that the bed is equipped with sideboards and a tailgate at least ten inches high. If passengers are permitted to stand in the bed, adequate handholds shall be provided.

(c) The number of passengers and seating arrangements within the cab on any mobile equipment shall not interfere with the operator's ability to safely operate the equipment.

(d) Exterior passengers shall not be permitted on mobile oversnow equipment which has snow grooming equipment mounted on the bed or when the machine is towing any kind of equipment, sleds, etc.

(e) Operators shall use good judgment with respect to speed and terrain when carrying exterior passengers.

(11) Horns and lights.

(a) Every vehicle shall be provided with an operable horn distinguishable above the surrounding noise level.

(b) Any vehicle required to travel away from an illuminated area shall be equipped with a light or lights which adequately illuminate the direction of travel.

(12) Brakes on power-driven vehicles. Vehicles shall be equipped with brakes and devices which will hold a parked vehicle with load on any grade on which it may be used. The brakes and parking devices shall be kept in proper operating condition at all times.

(13) Cleaning vehicles. All vehicles shall be kept free of excessive accumulations of dust and grease which may present a hazard.

(14) Lifting capacity of vehicle to be observed. At no time shall a load in excess of the manufacturer's maximum lifting capacity rating be lifted or carried. Such lifting capacity may only be altered with the approval of the equipment manufacturer or a qualified design engineer.

(15) Posting rated capacity. The maximum rated lifting capacity of all lift trucks shall at all times be posted on the vehicle in such a manner that it is readily visible to the operator.

(16) Carrying loose material. Lift trucks shall not be used to carry loose loads of pipe, steel, iron, lumber, palletized material, rolls of paper, or barrels unless adequate clearance is provided and the loads are stabilized.

(17) Position of lift forks or clamps. The forks or clamps of lift trucks shall be kept as low as possible while the vehicle is moving. They shall be lowered to the ground or floor when the vehicle is parked.

(18) Walking under loads prohibited. No person shall be allowed under the raised load of a lift truck, backhoe, or front end loader.

(19) Hoisting of personnel on vehicle forks prohibited. Personnel shall not be hoisted by standing directly on the forks of vehicles.

(20) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are met:

(a) The structure must be securely attached to the forks and shall have standard guardrails and toeboards installed on all sides;

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms shall be identified that they are so designed;

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting;

(d) An operator shall attend the lift equipment while workers are on the platform;

(e) The operator shall be in the normal operating position while raising or lowering the platform. A qualified operator shall remain in attendance whenever an employee is on the work platform;

(f) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible; and

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(21) Overhead guards on lift trucks. All lift trucks shall be equipped with an overhead guard constructed and installed to conform to USAS B56.1-1969 "Safety Code for Powered Industrial Trucks." This guard may be removed only when it cannot be used due to the nature of the work being performed in which case loads shall be maintained so as not to create a hazard to the operator.

(22) Protection from exhaust system. Any exhaust system which might be exposed to contact shall be properly insulated or isolated to protect personnel. Exhaust systems on lift trucks and jitneys shall be constructed to discharge either within twenty inches from the floor or eighty-four inches or more above the floor. The exhausted gases shall be directed away from the operator. The equipment shall be designed in such a manner that the operator will not be exposed to the fumes.

(23) Emergency exit from mobile equipment. Mobile equipment with an enclosed cab shall be provided with an escape hatch or other method of exit in case the regular exit cannot be used.

(24) Vehicle wheels chocked. When driving mobile equipment onto the bed of a vehicle, the wheels of the vehicle shall be chocked.

(25) Prevent trailer from tipping. Suitable methods shall be used or devices installed which will prevent the trailer from tipping while being loaded or unloaded.

(26) Refueling. Gasoline or LPG engines shall be shut off during refueling.

(27) Close valve on LPG container. Whenever vehicles using LP gas as a fuel are parked overnight or stored for extended periods of time indoors, with the fuel container in place, the service valve of the fuel container shall be closed.

(28) LPG tanks. LPG vehicle fuel tanks shall be installed and protected in a manner which will minimize the possibility of damage to the tank.

(29) Inspecting and testing of LPG containers. LPG containers shall be inspected and tested as required by chapter 296-24 WAC.

(30) Spinners on steering wheels. The use of spinners on steering wheels shall be prohibited unless an antikick device is installed or the equipment has a hydraulic steering system.

(31) The hearing conservation requirements of the general occupational health standards, WAC 296-62-09015, shall be applicable for mobile equipment operation.

NEW SECTION

WAC 296-59-095 REQUIREMENTS FOR CRANES AND HOISTS—GENERAL SAFETY AND HEALTH STANDARDS TO PREVAIL. All applicable rules for design, construction, maintenance, operation, and testing of cranes and hoists contained in the General safety and health standards, chapter 296-24 WAC, shall be met.

NEW SECTION

WAC 296-59-100 AVALANCHE CONTROL. (1) General.

(a) During periods of high avalanche danger, slopes and trails in avalanche paths shall not be opened for use until trained personnel have

evaluated conditions and determined whether avalanche control work is necessary.

(b) When avalanche control work is deemed necessary, slopes and trails in the potential avalanche path shall not be opened until the work is completed.

(c) An avalanche shall not be purposely released until the avalanche path and potential runout zone are clear of personnel.

(d) Avalanche guards, signs, and/or barricades shall be positioned at normal entrances to the avalanche path if there is any chance that personnel will enter the danger zone during intentional release activities.

(e) During very unstable snow conditions, release of one avalanche may trigger sympathetic releases over a wide area. Avalanche workers shall consider such possibility and clear the appropriate areas of personnel.

(2) Personnel and equipment.

(a) The avalanche control crew shall be adequately trained and physically capable for tasks which can be anticipated in their individual job assignments.

(b) No person shall accept or be given a job assignment which is beyond the individual's physical ability or training.

(c) On-slope assignments which include potential exposure to avalanche hazards shall only be conducted by fully qualified and fully equipped control crew members.

(d) The control crew may be split up into smaller groups (teams) to work on multiple areas simultaneously provided that each team consists of at least two qualified members.

(e) Each avalanche control crew or team shall have one or more designated rescue coordinators as is deemed necessary to maintain communications. Compliance with this requirement may be achieved by designating control crew teams to serve as each others' rescue coordinator provided that the teams are reasonably proximate to each other and do in fact maintain frequent communications.

(f) Each avalanche control crew member shall be equipped for continuous two-way communications to the avalanche crew coordinators.

(g) The avalanche crew or teams shall not be assigned to on-slope areas where they cannot maintain communications with their designated coordinator. This requirement may be met by the use of a relay person, however, if any team completely loses communications they shall return directly to base via the safest route available.

(h) Each person on an avalanche control team shall be equipped with a shovel and an electronic transceiver before commencing on-slope control work. The transceiver shall be in the transmit position whenever personnel are performing on-slope job assignments.

(3) Avalanche rescue plan. Each ski area shall have a written avalanche rescue plan. The plan shall require:

(a) All rescue personnel who will be assigned to on-slope activities shall:

(i) Be competent skiers;

(ii) Have a current first-aid card;

(iii) Be thoroughly trained in the rescue plan details;

(b) A specific list of required equipment for rescue crew personnel including:

(i) Probes;

(ii) Belaying rope;

(iii) Shovels;

(iv) Two-way communication radios;

(v) Electronic transceivers;

(c) A list of rescue equipment locations;

(d) Specific rescue procedures to be followed.

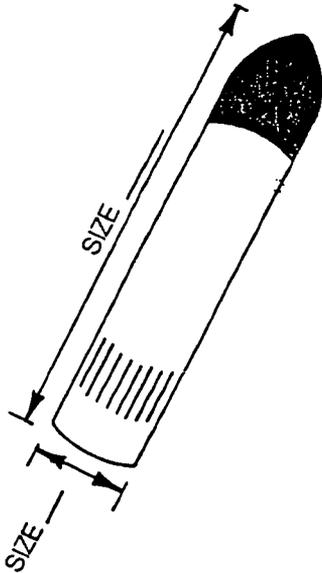
NEW SECTION

WAC 296-59-102 ACCEPTABLE WARNING SIGNS FOR TYPICAL AVALANCHE CONTROL EXPLOSIVE DEVICE(S) DUDS.

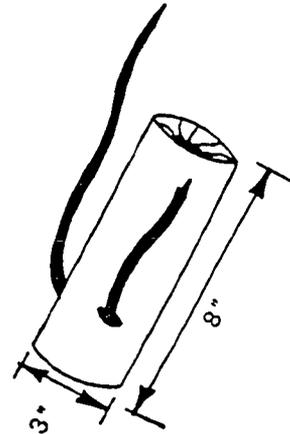
DANGER

EXPLOSIVES ON THE MOUNTAIN

Unexploded warheads, projectiles, or handcharges used in avalanche control may be found in target areas or in avalanche runout zones.



UNEXPLODED WARHEADS
WARHEAD MAY BE DISTORTED
FROM IMPACT.



DYNAMITE HANDCHARGE
Brown color wrapping,
will usually have fuse.

If you find an unexploded (dud) charge, do the following:

1. Do not disturb or touch!
2. Mark the location within 5 to 10 feet.
3. Immediately report the location to the nearest lift operator, ski patrolman or U.S. Forest Service employee.

NEW SECTION

WAC 296-59-103 STORAGE, MAKEUP, AND USE OF EXPLOSIVES FOR AVALANCHE CONTROL BLASTING. (1) General.

(a) The storage, handling, and use of explosives and blasting agents used in avalanche control practices shall comply with this chapter unless stored, handled, and used in compliance with chapter 70.74 RCW and chapter 296-52 WAC.

(b) The minimum requirements published in WAC 296-59-103 through 296-59-111 (inclusive) shall only be applicable to the storage, handling, and use of explosives and blasting agents in the endeavor of avalanche control. The use of explosives for conventional purposes such as but not limited to demolition, site clearing, or construction shall be regulated by chapter 70.74 RCW and chapter 296-52 WAC.

(2) Management responsibility.

(a) Explosives and blasting agents shall not be stored, kept, or had in any regularly occupied areas or buildings except in compliance with either chapter 296-52 WAC or this chapter.

(b) Explosives and blasting agents shall not be assembled or combined to form armed charges in any regularly occupied area or building except in compliance with this chapter.

(3) Personnel.

(a) Only fully qualified and licensed blasters shall be permitted to assemble or arm explosives components.

(b) Training shall include avalanche blasting experience so that the problems encountered in cold weather blasting are known factors.

(c) All training activities shall be conducted under the attended supervision of a fully qualified and licensed blaster.

(4) General requirements.

(a) Detonating systems for hand-placed or hand-thrown charges.

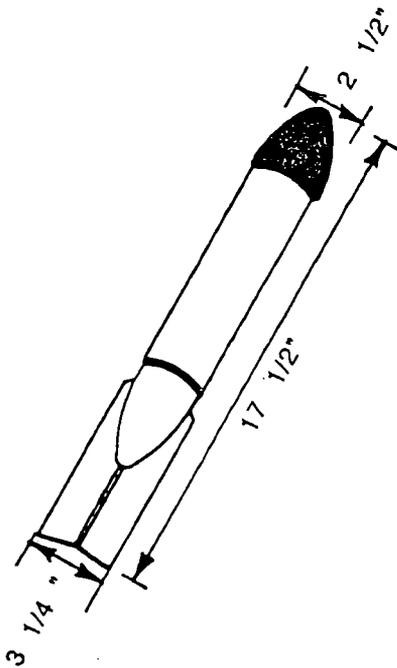
(i) The ignition system on single-unit handcharges shall consist of a nonelectrical cap, safety fuse, and a fuse igniter.

(ii) Multiple units combined to form a single handcharge may use the above system or an approved detonating cord system. No other ignition system shall be permissible without specific approval by the department.

(b) Multiple charge blasts.

(i) Detonating cord shall be used in lieu of blasting wire to connect multiple charge blasts.

(ii) After all charges are placed, connected to the detonating cord, and the charges are ready to be ignited, a safety fuse and cap shall be



AVALANCHE PROJECTILE
RED OPAQUE BODY,
RED TRANSLUCENT FINS.

attached to the detonating cord. A fuse igniter may then be attached to ignite the safety fuse.

(c) Blasting caps shall be no larger than No. 8 except when recommended by the explosives manufacturer for a particular explosive used within a specific application.

(d) Electric blasting caps are not permitted.

(e) Only the highest quality safety fuse with excellent water resistance and flexibility shall be used.

(f) Fuse length.

(i) Safety fuse length shall be selected to permit the control team adequate escapement time from the blast area under all reasonable contingencies (falls, release of bindings, etc.)

(ii) In no instance shall a fuse length with less than seventy seconds burn time be permitted.

(iii) The burn time of each roll of safety fuse shall be checked prior to use.

(iv) Checked rolls shall be marked with the tested burn time.

(v) It is recommended that all handcharges be prepared for ignition with one safety fuse and igniter.

Note: Standard safety fuse burns at a rate of 0.5 meters ($\pm 10\%$) per seventy seconds at two thousand five hundred meters elevation. This rate equates to approximately nineteen and three-quarter inches fuse length for seventy second handcharge fuses at normal ski area elevations.

(5) Explosives.

(a) Explosives chosen shall have a safe shelf life of at least one operating season in the storage facilities in which it will be stored.

(b) Explosives chosen shall have excellent water and freezing resistance.

(c) Industrial primers (or boosters) that consist mainly of TNT or gelatin are the recommended explosives.

(6) Transporting explosives and handcharges.

(a) Handcharges or explosives components shall be transported in approved type avalanche control packs, in United States Department of Transportation approved shipping containers or in licensed magazines.

(b) Criteria for avalanche control packs.

(i) The pack shall be constructed of water resistant material.

(ii) Packs shall be constructed with sufficient individual compartments to separate handcharges or explosives components from tools or other equipment or supplies which may be carried in the pack.

(iii) Each compartment used for handcharges or explosives components shall have an independent closure means.

(iv) If fuse igniters will be permitted to be carried on the avalanche control pack, a separate compartment with individual closure means shall be attached to the outside of the exterior of the pack.

(c) Use of avalanche control packs.

(i) Packs shall be inspected daily, prior to loading, for holes or faulty compartment closures. Defective packs shall not be used until adequately repaired.

(ii) Tools or other materials shall not be placed in any compartment which contains handcharges or explosives components.

(iii) Fuse igniters shall never be placed anywhere inside the pack when the pack contains handcharges or other explosives components.

(iv) Fuse igniters may be carried in a separate compartment attached to the outside of the pack exterior but preferably in a compartment attached to the front of the carrying harness. Another acceptable alternative is to carry the igniters in a jacket pocket completely separate from the pack.

(v) Handcharges or explosives components shall not be stored or left unattended in avalanche control packs. Unused handcharges shall be promptly disassembled at the end of individual control routes and all components returned to approved storage.

(vi) Individual control team members shall not carry more than thirty-five pounds of handcharges in avalanche control packs.

(vii) A handcharge or cap and fuse assembly which has a fuse igniter attached shall never be placed in an avalanche control pack for any reason.

(d) Whenever explosives or explosives components are transported in or on any vehicle powered by an internal combustion engine, provisions shall be made to ensure that said explosives or containers cannot come into contact with the hot exhaust system.

(e) Handcharges or explosives components shall not be transported in spark-producing metal containers.

(f) Handcharges shall not be transported on public roads and highways when such roads or highways are open to the public. Explosives components shall only be transported on public roads or highways in

compliance with United States Department of Transportation regulations.

NEW SECTION

WAC 296-59-105 HANDCHARGE MAKEUP METHODS.

General. The department shall recognize two permissible methods concerning handcharges for avalanche control blasting. The descriptions and requirements for each method are contained in this section. Every ski area operation which conducts avalanche control blasting should use Method II "Hand charge makeup room." A well designed and constructed handcharge makeup room can enhance the correct assembly of components which will maintain the best possible control over explosives and components, reduce the probability of an explosives incident, and reduce the incidence of misfires from incorrect makeup or moisture.

(1) Method I. Makeup at the blast site.

(a) The ignition system shall consist of a nonelectrical blasting cap and highest quality water resistant safety fuse, or detonating cord, assembled as recommended by the manufacturer.

(b) Detonating cord (i.e., primacord) shall be used to connect separated multiple-charge blasts.

(c) No other ignition system shall be permissible on hand-placed or hand-thrown avalanche control charges unless variance is granted by the department.

(d) Caps shall be installed on correct length fuses prior to being transported out onto control routes.

(e) Caps shall only be crimped with a crimper tool approved for that purpose.

(f) Assembling caps and fuses shall be done in a warm, dry, well-lighted environment. The location used for assembly shall not have flammable fuels, flammable gases, or explosives present where accidental detonation of the caps could create a secondary ignition or detonation hazard.

(g) Each cap shall be protected by a styrofoam shield or the equivalent before being placed in an avalanche control pack for transportation.

(h) A fuse igniter shall never be attached to a fuse until the fuse and cap assembly is installed in the handcharge at the blast site and the control crew is fully prepared to ignite the charge.

(i) All class A explosives shall be attended as defined in WAC 296-59-007 at all times when the explosive is out of the class I storage magazine.

(j) Disbursement of explosive charges from the class I storage magazine into avalanche control packs shall be done outside the storage magazine. Records shall be maintained for all explosives disbursed.

(k) Caps, cap and fuse assemblies, armed handcharges, or fuse igniters shall not be carried into or stored in a class I magazine which contains class A explosives.

(2) Method II. Handcharge makeup room. This method is different from method I primarily in that the fuse and cap assembly is installed in the explosive charge while inside a special makeup room. The assembly procedure shall be as follows:

(a) Install caps on correct length fuses with an approved crimper tool before explosives are brought into the makeup room.

(b) The cap and fuse assemblies shall not be combined with explosives to form handcharges until just before the intended time of distribution.

(c) Only nonsparking skewers shall be used to punch holes in an explosives cartridge.

(d) The fuse shall be laced or taped in position after inserting the cap in the charge.

(e) Each handcharge shall be placed in an explosives box or avalanche control pack immediately after assembly is completed.

(f) No spark-producing metal tools shall be used to open explosives containers.

(g) Fuse igniters shall never be attached to a fuse or a handcharge until the handcharge is at the blast site and the control crew is fully prepared to ignite the charge.

(3) Makeup room requirements, procedures.

(a) Construction requirements.

(i) Makeup rooms located in accordance with the American Standard Quantity and Distance Tables for storage shall not require construction of reinforced concrete walls, floors, and doors. All other requirements of this chapter shall be applicable for such facilities.

(ii) Floors and walls. The floor and walls shall be constructed of reinforced concrete not less than eight inches thick. The rebar shall be not less than one-half inch diameter and shall be spaced on twelve-

inch vertical and horizontal centers. The rebar shall be bent at a ninety degree angle and extend a minimum of twenty-four inches into the adjoining floor or wall to secure each floor and wall joint.

(iii) Roof. The roof is not limited to specific materials but shall provide both weather protection and standard snow loading protection for the region.

(iv) Access door(s).

(A) If a hinged door mounting is utilized, the hinge shall be mounted on the inside so that the door opens into the makeup room. In the fully closed position, in position to be locked, the door shall be a minimum of two inches larger than the access opening on all sides.

(B) If a flush door mounting is utilized, the door shall be mounted with a two-inch decreasing taper on all sides of both the door and the concrete access opening to form a wedge seal.

(C) If a sliding door mounting is utilized, the mounting apparatus shall be on the inside of the makeup room and the door shall be a minimum of two inches larger than the access opening when the door is fully closed.

(D) Makeup room door may be either:

(I) Constructed to the same structural integrity and mounting requirements of (a)(iii)(A) through (C) of this subsection; or

(II) Constructed of plywood not less than two inches thick and overlaid on the outside with a steel plate not less than one-eighth inch thick.

(III) If a door which complies with (iii)(D)(II) of this subsection is used, a berm or barricade shall be installed within six feet of the door. The berm or barricade shall extend at least as high as the top of the door and shall be a minimum of two feet wider than the door on both sides of the door.

(E) For security purposes, one steel padlock having at least five tumblers and a case hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. Hinges and hasps shall be attached so that they cannot be removed from the outside when in the closed position and with the lock in place.

(v) Interior finish. The inside of all makeup rooms shall be finished and equipped to the following minimum requirements:

(A) Construction shall be fire resistant and nonsparking up to the top of the walls. Nails or screws shall be countersunk, blind nailed, or covered.

(B) Lighting shall be by N.E.C. explosion-proof rated fixtures and all wiring shall be in sealed conduit.

(C) Control switches shall be outside the makeup room.

(D) No electrical outlet boxes are permissible inside the room.

(b) Restrictions.

(i) Smoking, matches, open flames, or flame or spark-producing devices shall not be permitted inside the makeup room.

(ii) Flammable liquids or flammable compressed gases shall not be stored in the makeup room.

(iii) Signs limiting entry to authorized personnel shall be posted on the door(s).

(iv) A sign stating the occupancy rules shall be posted inside the makeup room where it is clearly legible upon entering the room. The sign shall post the following rules:

(A) Occupancy shall be restricted to specifically authorized personnel;

(B) Smoking, matches, flame or spark-producing devices, tools or equipment shall not be permitted in the room at any time when explosives or explosive components are present; and

(C) Flammable fuels or compressed gases shall not be permitted inside the room nor stored within fifty feet of the room.

(v) Heating units shall be limited to:

(A) Forced air systems with the heating unit located outside the room.

(B) Steam systems of 15 psig or less.

(C) Hot water systems of 130°F or less.

(D) The radiant heating coils and piping for steam or hot water systems shall be protected so that explosives cannot come into contact with them.

(E) Heating ducts shall be installed so that the hot air does not discharge directly on explosives.

(F) The heating system used in a makeup room shall have controls which prevent the ambient room temperature from exceeding 130°F.

(vi) The makeup room shall be equipped with a portable fire extinguisher of at least 2A-20BC rating.

(vii) Ventilation.

(A) The makeup room shall be equipped with a ventilation system capable of maintaining a minimum rate of three air exchanges per hour during all times when explosives are present in the room.

(B) Fans and controls shall be located outside the makeup room and shall be of a type approved for this service.

(C) The lighting circuit control shall also activate the ventilation fan and the ventilation fan shall be operated whenever personnel are in the room.

(D) Exhaust ventilation shall be arranged to discharge into outside air, not into an enclosed structure.

(viii) The floor or exterior walls may be constructed with duct openings for heating and ventilation purposes provided that:

(A) Each duct opening is not greater in volume than seventy-two square inches;

(B) The combined number of duct openings shall not exceed three;

(C) Duct openings shall be located within twelve inches of the floor or ceiling;

(D) The exhaust duct opening shall not be located on the wall above the makeup workbench.

(c) Practices and procedures.

(i) When explosives are present in the makeup room, entry into the makeup room shall be restricted to trained and authorized personnel.

(ii) The access door(s) to the makeup room shall be kept locked or bolted from the inside while employees are assembling explosives.

(iii) The entire makeup room shall be kept clean, orderly, and free of burnable rubbish.

(iv) Brooms and other cleaning utensils shall not have any spark-producing metal parts if used when explosives are present.

(v) Sweepings and empty explosives containers shall be disposed of as recommended by the explosives supplier.

(vi) Repair activities which utilize spark-producing tools shall not be conducted on any part of the makeup room while explosives are present.

(d) Storage of explosives.

(i) A makeup room shall not be used for the unattended storage of class A explosives.

(ii) A makeup room which meets all requirements of this chapter may contain a class 3 storage facility, for one thousand or less blasting caps.

(iii) A class 3 storage facility shall be constructed to meet the following minimum requirements:

(A) A class 3 storage facility shall be fire resistant and theft resistant. It does not need to be bullet resistant and weather resistant if the locked makeup room provides protection from weather and bullet penetration.

(B) Sides, bottoms, and covers shall be constructed of not less than number twelve gauge metal and lined with a nonsparking material.

(C) Hinges and hasps shall be attached so that they cannot be removed from the outside.

(D) One steel padlock having at least five tumblers and a case-hardened shackle of at least three-eighths inch diameter is sufficient for locking purposes. The lock and hasp is not required to be equipped with a steel hood.

(e) Location.

(i) The makeup room shall be located in accordance with the American Quantity and Distance Separation Tables as adopted in chapter 70.74 RCW "Washington State Explosives Act" and chapter 296-52 WAC "Safety standards for the possession and handling of explosives," except under conditions as indicated in this section.

(ii) Where locating the makeup room in accordance with the quantity and distance separation table is impractical because of bad weather accessibility, rough terrain, or space availability:

(A) Upon application the department will issue a variance enabling location of the makeup room, by mutual agreement, at the safest possible location within the limitation of the individual base area.

(B) The safest possible location will be the location most isolated from assembly areas and buildings that are inhabited with application of additional protection measures such as:

(I) Berming.

(II) Locating natural obstructions or buildings that are not inhabited between the makeup room and assembly areas and buildings that are inhabited.

(III) Limitations on the total quantity of explosives in the makeup room at any one time.

(iii) Makeup rooms designed to hold the explosives awaiting makeup and the makeup explosives awaiting distribution may be located using

the total quantity of explosives allowed at the makeup table at any one time as the referenced quantity of explosives provided.

(A) The walls of the room are designed to withstand the explosion of the total amount of the referenced explosives.

(I) The walls must be designed and certified by a licensed engineer; or

(II) The walls must be constructed to the specifications of a nationally recognized standard designed to produce walls which will withstand explosion of the referenced quantity explosives.

(B) The explosive awaiting makeup and distribution are located behind a debris barrier which will ensure that detonation will not occur if the explosives at the makeup table detonate.

(I) The debris barrier must be designed and certified by a licensed engineer; or

(II) The debris barrier must be constructed to the specifications of a nationally recognized standard created to produce a barrier which will not allow detonation of the explosives awaiting makeup and distribution should the referenced quantity of explosives be detonated.

(iv) A full containment makeup room may be located anywhere and must meet the following requirements:

(A) The makeup room must be constructed in accordance with a licensed explosive engineer's approved design.

(B) The total amount of explosives in the room at anytime must not exceed the design limit of the room.

(C) The makeup room cannot be used for storage.

Note: Explosives shall be stored in licensed magazines only. All magazines must be located in compliance with the American Quantity and Distance Separation Tables until the United States Treasury Department Bureau of Alcohol, Tobacco and Firearms approves full containment class 1 magazines for storage at distances less than those specified in the American Standard Quantity and Distance Separation Tables and the Washington state department of labor and industries adopts corresponding amendments.

NEW SECTION

WAC 296-59-107 AVALANCHE CONTROL BLASTING. (1) The employer shall ensure that all members of avalanche control blasting crews are competent ski mountaineers in good physical and mental condition.

(2) Each avalanche control blasting crew or team shall consist of a qualified and licensed blaster and at least one trained assistant.

(3) Untrained personnel may accompany blasting crews for training purposes but shall not participate in actual firing of charges until trained and authorized.

(4) The blaster in charge of each crew or team shall be responsible for all phases of preparation and placement of charges.

(5) Avalanche control blasting should be conducted during daylight hours whenever possible.

(6) Escape route.

(a) The avalanche control crew or team shall preplan the escape route before igniting any charge.

(b) The escape route shall be as safe and foolproof as possible and shall culminate behind a terrain barrier or at least one hundred feet from the blast site by the time of detonation.

(7) Hand-thrown charges.

(a) A blaster shall only work with one charge at a time.

(b) Before attaching the igniter, the blaster must:

- (i) Be at the start of the escape route;
- (ii) Check the runout zone for personnel;
- (iii) Check the blast area for personnel.

(c) After the blaster attaches and activates the igniter:

- (i) The blaster shall check to see that the fuse is ignited;
- (ii) If the fuse did not ignite, the blaster may reclip the fuse and attempt to light the fuse again with another igniter;
- (iii) As soon as the fuse is ignited, the blaster shall promptly throw the charge into the target area;

(iv) All personnel shall proceed immediately along the escape route as soon as an ignited charge is thrown.

(d) Where hand-thrown charges will slide down the hill on hard frozen snow or ice surface, charges shall be belayed with light cord.

(8) Handcharges thrown from ski lifts or trams.

(a) The number of charges thrown from ski lifts or trams shall be kept to a minimum.

(b) The lift operating crew shall be informed of the blasting plans.

(c) The lift crew shall stand by for emergency procedures such as transfer of lift onto auxiliary power, evacuation, etc.

(d) The lift crew and the blaster in charge shall be in direct radio contact at all times during the blasting operations.

(e) Only the avalanche control blasting crew and the essential lift operating personnel shall be on a lift or tram during blasting operations.

(f) The avalanche control blasting crew shall be traveling up-slope when a charge is thrown.

(g) A charge shall always be thrown down slope and to the side, away from towers, haulropes and other equipment or facilities.

(h) The minimum distance from the blast target to the closest point of the lift shall be sixty feet.

(i) Handcharges shall not exceed 4.5 pounds of TNT equivalent.

(j) Fuses shall be timed and cut to such length that all personnel on the lift will have moved a minimum of three hundred feet from the blast target by the time of detonation.

(k) Precautions shall be taken to avoid tossing charges into any of the lift equipment, moving chairs, cables, towers, etc.

(9) Handcharges thrown from aircraft.

(a) Blasting from aircraft shall require a written program approved by the Federal Aviation Administration and the director of the department of labor and industries.

(b) A written program shall include the following:

(i) Written procedures to be followed including provisions for safety in the avalanche runout zone and emergency rescue plans.

(ii) Handcharge makeup and handling procedures.

(iii) The type of explosives to be used.

(iv) The qualifications of all personnel involved.

(v) The specific locations where aircraft blasting is to take place.

Note: Requests for blasting from aircraft will not be granted unless it is determined that conventional methods are not feasible or are more hazardous.

(10) Avalancher requirements.

(a) Management shall develop a written training program and ensure that every person who will be authorized to work on an avalancher firing team is thoroughly trained. Training shall include:

- (i) All operating instructions;
- (ii) Safety precautions;
- (iii) Emergency procedures;
- (iv) Securing requirements for the equipment.

(b) Authorized operators shall be listed on a posted operator's list.

(c) Only trained and authorized personnel shall be permitted to point and fire an avalancher with explosive rounds.

(d) During firing of explosive loaded rounds, the firing team shall consist of two qualified operators and not more than one adequately trained helper.

(e) Operators must have a current state blasting license.

(f) Each operator shall individually check the elevation, pointing and pressure settings of the gun before each shot is fired.

(g) Operators shall attempt to determine and record whether or not each round which is fired actually explodes on contact.

(h) The approximate location of all known duds shall be recorded.

(i) Initial shooting coordinates for each avalancher mount shall be made during periods of good visibility.

(j) Testing shall include test firing in various wind conditions.

(k) The correct coordinates for the various conditions encountered shall be carefully recorded.

(l) When spotter personnel are used in the target area, shooting shall be conducted with nonexplosive projectiles.

(m) Firing of explosive avalancher rounds shall only be conducted when personnel are not in the target area.

(n) The avalancher apparatus shall be stored in a nonfunctional condition when not in use. This shall be accomplished by:

- (i) Locking out the firing mechanism or gas source in accordance with the lockout requirements of this chapter; or
- (ii) Disassembly of functional components rendering the gun inoperable and separate storage of components removed; or
- (iii) Removal of the entire gun to secure storage.

(o) With established avalancher mounts, each autumn when re-installing guns, the following procedures shall be accomplished before the gun is considered operable:

- (i) All components shall be carefully inspected by qualified personnel;
- (ii) After assembly and installation, the gun shall first be test fired using a nonexplosive projectile;
- (iii) The established firing coordinates shall be checked by test firing.

(11) Cornice control requirements.

(a) Cornice buildup hazards shall be evaluated regularly by qualified personnel, particularly after heavy snowfall periods which are accompanied by high wind or other snow transport weather conditions.

(b) Cornice hazards shall be controlled whenever the buildup appears to offer potential hazard to areas accessible by personnel.

(c) The control team shall establish the tension breakline of the cornice roof as accurately as conditions permit before starting any other control work on the cornice.

(d) The tension breakline shall be marked when necessary.

(e) Small lightly packed cornices may be kicked off with a ski, ski pole, or shovel by an unbelayed control team member if the ridgeline can be clearly established and all work can be done from the safe side of the ridgeline.

(f) When working along an anticipated cornice breakline, control team members shall retreat back from the breakline to change work positions rather than traverse along the breakline.

(g) The following factors shall be given careful consideration before commencing control activities on any relatively larger cornice:

(i) The older and larger a cornice becomes the more densely it compacts. Densely packed cornices release into larger blocks offering a higher level of danger to an extended runout zone. The control team leader shall therefore take highest level of precautions to assure that the runout zone is clear of personnel;

(ii) Larger size cornices result in increased suspended weight and leverage which may cause the breakline release fracture to occur behind the actual ridgeline. The actual ridgeline may also be obscured by the simple mass of larger cornices. Control team members shall stay off the cornice roof and must be protected by a secure belay when working near the suspected breakline;

(iii) All large cornices shall be released by explosives. Explosives shall be transported, made up and fired in accordance with the following requirements:

(A) The ignition system for single charge blasts shall be safety fuse and cap.

(B) Detonating cord shall be used to connect multiple charge blasts.

(C) When detonating cord is used, one end shall be securely anchored where premature cornice collapse will not disturb the anchor. The fuse and cap shall be attached to the free end of the detonating cord after all charges are connected to the detonating cord.

(D) Safety fuse length shall be sufficient to permit adequate escape-time for all personnel from the area influenced by the blast. Safety fuse shall be not less than three feet long, approximately two minutes and twenty seconds, in all instances.

(h) Cornice control work on large cornices shall be conducted during daylight hours and preferably during favorable weather conditions. As a minimum, clear visibility shall exist across the full length of any cornice which the control team is attempting to release.

(12) Belaying practices.

(a) Belay rope shall be standard 11 mm mountaineering rope or the equivalent.

(i) Belay rope shall be inspected at not less than thirty day intervals and maintained in excellent condition.

(ii) Defective belay rope shall not be used for belaying purposes.

(b) Adequate trees or other suitable natural belay anchors shall be used in preference to a human belay anchor when such natural anchors are available.

(c) The belay anchor position shall be as near to ninety degrees from the tension breakline as the terrain conditions will permit.

(d) With either a natural belay anchor or human belay anchor, the belay line shall be tended to keep slack out of the line.

(e) When either the belayed person or belay anchor needs to change position, the belayed person shall retreat back from the cornice to a safe position until the belay anchor is reestablished.

(f) When a human belay anchor is used:

(i) The belay anchor person shall establish the anchor position as far back away from the cornice as conditions permit;

(ii) The anchor person shall remain in a seated position with their legs pointed toward the belayed person until such time as the belayed person has retreated back from the cornice to a position considered to be safe.

NEW SECTION

WAC 296-59-109 RETRIEVING MISFIRES OR DUDS. (1) The following requirements shall apply to all kinds of avalanche control blasting:

(a) Each person who ignites a charge or propels a charged projectile with any kind of apparatus shall note whether or not the charge actually detonates.

(b) A conscientious effort shall be made to promptly retrieve any misfire or dud.

(i) If conditions make it impractical or dangerous to promptly retrieve a dud, a search shall be conducted as soon as conditions permit.

(ii) Any area which contains a dud shall be closed to entry to all personnel except the search team until such time as the area has been searched and pronounced safe by the designated search leader.

(c) When searching for a dud on an uncontrolled avalanche slope (a slope which has not released), the procedures used shall be consistent with good mountaineering practices.

(d) A handcharge dud shall not be approached for at least fifteen minutes.

(e) Any dud which is aflame or emitting smoke shall not be approached for at least one hour after evidence of combustion ceases.

(f) A handcharge or avalanche dud may be blown up with a secondary charge where they are found or may be disarmed at that location by fully trained and qualified personnel.

(g) Military warhead duds shall not be moved. They shall be blown up where they are found by secondary charges except that trained military personnel may disarm and transport such duds when approved by the governmental branch having jurisdiction.

(2) Records.

(a) Accurate records shall be maintained for every explosive device which does not detonate.

(b) Dud records shall include the following information:

(i) The suspected location;

(ii) A description of the dud;

(iii) The date the dud was lost;

(iv) The date the dud was found and disposed of.

(3) Dud frequency.

(a) Dud frequency should be maintained below one dud for every five hundred detonating attempts.

(b) Any employer who does not maintain a dud frequency below one dud per five hundred detonation attempts shall investigate all aspects of the blasting program and take prompt corrective actions as indicated.

(4) Dud warning signs.

(a) Ski area operations which use any form of explosive device for avalanche control shall display warning and information placards and/or signs.

(b) Signs shall be posted at readily visible locations and in such a manner as to give both employees and the public ample opportunity to be informed of the potential existence of dud avalanche charges. Locations may include but are not limited to:

(i) Ticket sales and lift loading areas;

(ii) Food and beverage service facilities;

(iii) Restrooms and locker rooms;

(iv) Safety bulletin boards;

(v) Along general access routes.

(c) Signs shall be distinctive in appearance from the surrounding background where they are posted.

(d) Signs shall be maintained in legible condition.

(e) Signs shall include the following information:

(i) The word "WARNING" or "DANGER" at the top of the sign in the largest lettering on the sign;

(ii) The words "Explosives on the mountain";

(iii) A colored pictorial illustration which also provides information on dimensions of each type of explosive device used in the area;

(iv) The sign wording shall conclude with specific instructions to be followed by anyone who locates an unexploded explosive device.

Note: An example dud warning sign is illustrated in Appendix 1.

NEW SECTION

WAC 296-59-115 SKI LIFT FACILITIES AND STRUCTURES. (1) Existing ski lift facilities and structures shall not be required to be retrofitted with standard construction work platforms, walkways, stairs or guardrails on exterior surfaces when such features would add significantly to snow loading considerations. When such standard protective features are omitted, alternative personal protective measures shall be used where possible. Examples include but are not limited to: Safety belt and lanyard, ladder climbing safety devices, temporary work platforms or scaffolds, temporary or removable handrails, guardrails, or walkways.

(2) Snow removal.

(a) During the operating season, standard guardrails which would interfere with snow removal may be omitted in areas where it can be anticipated that frequent snow removal will be necessary to maintain operability of ski lift apparatus. Examples could include but are not limited to the motor house roof or loading and unloading areas.

(b) Personnel barricades, signs, or other devices shall be used to deflect traffic or warn personnel of existing fall hazards.

(3) All ski lift towers installed after the effective date of this standard shall be equipped with permanent ladders or steps which meet the following minimum requirements:

(a) The minimum design live load shall be a single concentrated load of two hundred pounds.

(b) The number and position of additional concentrated live load units of two hundred pounds each as determined from anticipated usage of the ladder shall be considered in the design.

(c) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.

(d) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.

(e) All rungs shall have a minimum diameter of three-fourths inch.

(f) The distance between rungs on steps shall not exceed twelve inches and shall be uniform throughout the ladder length. The top rung shall be located at the level of the landing or equipment served by the ladder.

(g) The minimum clear length of rungs or steps shall be sixteen inches on new installations.

(h) Rungs, cleats, and steps shall be free of sharp edges, burrs, or projections which may be a hazard.

(i) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end. (A suggested design is shown in Figure D-1, at the end of this section.)

(j) Side rails which might be used as a climbing aid shall be of such cross sections as to afford adequate gripping surface without sharp edges or burrs.

(k) Fastenings. Fastenings shall be an integral part of fixed ladder design.

(l) All splices made by whatever means shall meet design requirements as noted in (a) of this subsection. All splices and connections shall have smooth transition with original members and with no sharp or extensive projections.

(m) Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.

(n) Welding. All welding shall be in accordance with the "Code for Welding in Building Construction" (AWS D1.0-1966).

(o) Protection from deterioration. Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when location demands.

(4) Installation and clearance.

(a) Pitch.

(i) The preferred pitch of fixed ladders is between the range of seventy-five degrees and ninety degrees with the horizontal (Figure D-4).

(ii) Substandard pitch. Fixed ladders shall be considered as substandard if they are installed within the substandard pitch range of forty-five and seventy-five degrees with the horizontal. Substandard fixed ladders are permitted only where it is found necessary to meet conditions of installation. This substandard pitch range is considered as a critical range to be avoided, if possible.

(iii) Pitch greater than ninety degrees. Ladders having a pitch in excess of ninety degrees with the horizontal are prohibited.

(b) Clearances.

(i) The perpendicular distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be thirty-six inches for a pitch of seventy-six degrees, and thirty inches for a pitch of ninety degrees (Figure D-2), with minimum clearances for intermediate pitches varying between these two limits in proportion to the slope.

(ii) A clear width of at least fifteen inches shall be provided each way from the centerline of the ladder in the climbing space.

(iii) The side rails of through or side-step ladder extensions shall extend three and one-half feet above parapets and landings.

(A) For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than eighteen nor more than twenty-four inches clearance between rails.

(B) For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the three and one-half feet minimum.

(iv) Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab bar diameters shall be the equivalent of the round-rung diameters.

(v) Clearance in back of ladder. The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder shall be not less than seven inches, except that when unavoidable obstructions are encountered, minimum clearances as shown in Figure D-3 shall be provided.

(vi) Clearance in back of grab bar. The distance from the centerline of the grab bar to the nearest permanent object in back of the grab bars shall be not less than four inches. Grab bars shall not protrude on the climbing side beyond the rungs of the ladder which they serve.

(c) The step-across distance from the nearest edge of a ladder to the nearest edge of the equipment or structure shall be not more than twelve inches, or less than two and one-half inches. However, the step-across distance may be as much as twenty inches provided:

(i) The climber is wearing a safety belt and lanyard; and

(ii) The lanyard is attached to the tower structure before the climber steps off the ladder.

(5) Ski lift towers are not required to be equipped with ladder cages, platforms or landings.

(6) Maintenance and use.

(a) All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.

(b) When ascending or descending, the climber must face the ladder.

(c) Personnel shall not ascend or descend ladders while carrying tools or materials which could interfere with the free use of both hands.

(7) Personnel shall be provided with and shall use ladder safety devices or safety belt and lanyard whenever feasible.

(8) Personnel shall not place mobile equipment or personal equipment such as skis, ski poles, or large tools within the falling radius of the lift tower while climbing or working on the lift tower.

(9) Ski lift towers and terminals are not required to be equipped with sheave guards on the haulrope wheels.

(10) Ski lift towers are not required to be equipped with work platforms.

(11) Personnel shall use personal protective equipment such as a safety belt and lanyard when working at unprotected elevated locations. Exception to this requirement shall only be permitted for emergency rescue or emergency inspection if a safety belt and lanyard is not immediately available. Required personal protective equipment shall be made available as quickly as possible.

(12) When fixed ladders on towers do not reach all the way down to the ground or snow level, a specifically designed and constructed portable ladder shall be used for access to and from the fixed ladder. Portable ladders shall be constructed and maintained to the following requirements:

(a) The portable ladder shall be constructed in accordance with applicable provisions of subsection (3) of this section.

(b) The portable ladder shall be constructed with a minimum of two attachment hooks near the top to be utilized for securing the portable ladder onto the fixed ladder.

(c) The attachment hooks shall be installed to support the portable ladder near the fixed ladder siderails.

(d) Rungs or steps on the portable ladder shall be spaced to be identical with rungs or steps on the fixed ladder when the portable ladder is attached for use. The design criteria shall be to achieve a horizontal plane relationship on the top (walking surface) portion of both steps when overlapping is necessary.

(e) The portable ladder shall be equipped with a hold-out device near the bottom to assure clearance behind the steps as required by subsection (4)(b)(v) of this section.

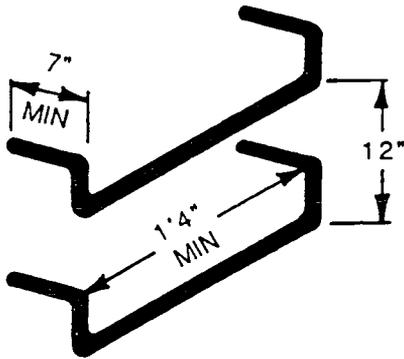


FIGURE D-1

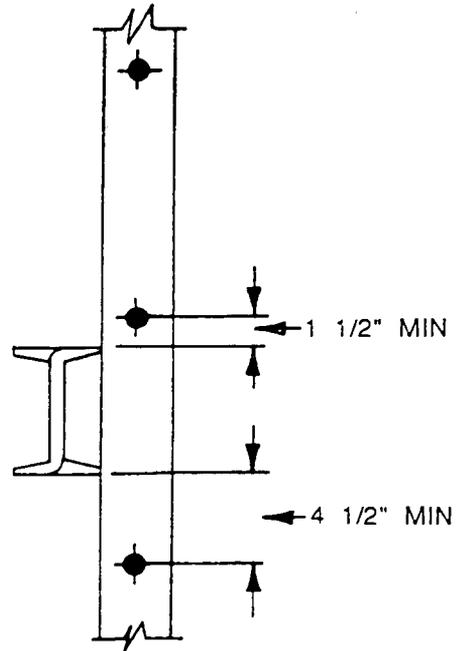


FIGURE D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder.

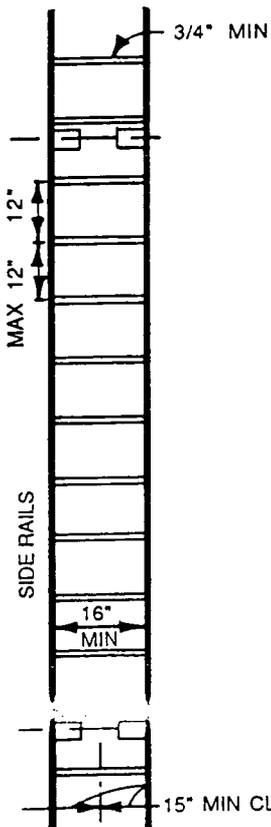


FIGURE D-2
Minimum Ladder Clearance

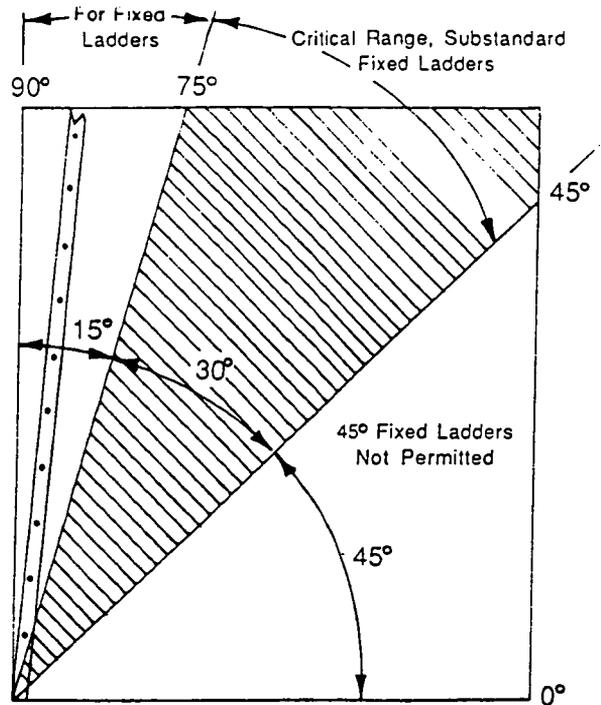
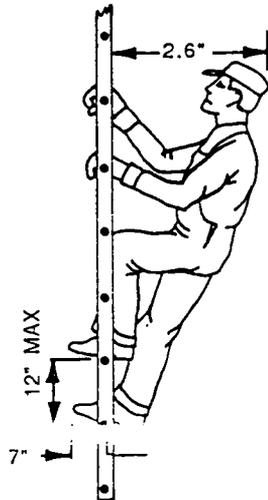


FIGURE D-4
Fixed Ladder Range

NEW SECTION

- WAC 296-59-120 SKI LIFT OPERATIONS. (1) Operators.
- (a) Only trained and qualified lift operators shall be permitted to operate any lift while it is carrying passengers.
 - (b) Management designated trainees shall only be permitted to operate a lift while under the direct supervision of a qualified operator or trainer.

(c) Initial training of operators shall be accomplished when the lift is not carrying passengers.

(d) Operator training shall include:

- (i) Standard and emergency start-up procedures;
- (ii) Standard and emergency stopping procedures;
- (iii) Lockout procedures;
- (iv) Corrective actions for operating malfunctions;
- (v) Specific instructions on who to contact for different kinds of rescue emergencies;
- (vi) Specific instructions on standard operating procedures with respect to the hazard of loading or unloading passengers proximate to the moving lift chairs.

(2) Operators and helpers shall prepare and maintain the loading and unloading work stations in a leveled condition and, to the extent possible, free from slipping hazards caused by ice, ruts, excessive snow accumulation, tools, etc.

(3) Daily start-up procedure.

(a) Loading station operators shall test all operating controls and stopping controls before permitting any personnel or passengers to load on the lift.

(b) The lift must travel a distance of two times the longest tower span before any employee can load on a chair to go to the remote station.

(c) A qualified operator shall be the first passenger on each lift each day.

Exception: The avalanche control team and the emergency rescue team may use any operable lift at anytime for that work. They may use lifts without a remote operator provided that direct communications are maintained to the operator and the operator has successfully completed normal daily safety and operating control checks at the operating station in use.

(d) Enroute to the remote station, the remote operator shall visually inspect each tower as the chair or gondola proceeds to the remote station.

(e) The remote operator shall stop the system when he/she has reached the remote control station. The operator shall then conduct the daily safety and operating control checks on the remote station.

(f) The remote operator shall ensure that the unloading area is groomed to adequately accommodate normal unloading.

(g) When all controls are checked and functioning correctly and the unloading area is prepared, the remote operator shall communicate to the operator that the system can be placed in normal operation.

(4) Operators shall report to their work station wearing adequate clothing for inclement weather which may be encountered. This requirement shall include reasonably water resistant footwear which shall have a slip resistant sole tread.

(5) While the lift is in operation and carrying passengers, operators shall not permit any activity in the loading/unloading areas which could distract their attention from the principle duty of safely loading or unloading passengers.

(6) Means of communication shall be maintained between the top operator and bottom operator stations.

NEW SECTION

WAC 296-59-125 SKI LIFT AERIAL WORK PLATFORMS.

(1) Construction and loading.

(a) All aerial work platforms shall be constructed to sustain the permissible loading with a safety factor of four. The load permitted shall be calculated to include:

- (i) The weight of the platform and all suspension components;
- (ii) The weight of each permitted occupant calculated at two hundred fifty pounds per person including limited handtools;
- (iii) The weight of any additional heavy tools, equipment, or supplies for tasks commonly accomplished from the work platform.

(b) The floor of the platform shall not have openings larger than two inches in the greatest dimension.

(c) The platform shall be equipped with toeboards at least four inches high on all sides.

(d) Guardrails.

(i) The platform shall be equipped with standard height and strength guardrails where such guardrails will pass through the configuration of all lifts on which it is intended to be used.

(ii) Where guardrails must be less than thirty-six inches high in order to clear carriages, guideage, etc., guardrails shall be as high as will clear the obstructions but never less than twelve inches high.

(iii) If the work platform is equipped with an upper work level, the upper level platform shall be equipped with a toeboard at least four inches high.

(iv) Each platform shall be equipped with a lanyard attachment ring for each permissible occupant to attach a safety belt lanyard.

(v) Each lanyard attachment ring shall be of such strength as to sustain five thousand four hundred pounds of static loading for each occupant permitted to be attached to a specific ring.

(vi) Attachment rings shall be permanently located as close to the center balance point of the platform as is practical.

(vii) The rings may be movable, for instance, up and down a central suspension rod, but shall not be completely removable.

(e) Platform attachment.

(i) The platform shall be suspended by either a standard wire rope four part bridle or by solid metal rods, bars, or pipe.

(ii) The attachment means chosen shall be of a type which will prevent accidental displacement.

(iii) The attachment means shall be adjusted so that the platform rides level when empty.

(f) Maintenance.

(i) Every aerial work platform shall be subjected to a complete annual inspection by qualified personnel.

(ii) The inspection shall include all structural members, welding, bolted or treaded fittings, and the suspension components.

(iii) Any defect noted shall be repaired before the platform is placed back in service.

(iv) A written record shall be kept for each annual inspection. The record shall include:

(A) The inspector identification;

(B) All defects found;

(C) The identity of repair personnel;

(D) Identity of the post-repair inspector who accepted the platform for use.

(g) The platform shall be clearly identified as to the number of permissible passengers and the weight limit of additional cargo permitted.

(i) Signs shall be applied on the outside of each side panel.

(ii) Signs shall be maintained in clearly legible condition.

(h) Unless the side guardrail assembly is at least thirty-six inches high on all sides, signs shall be placed on the inside floor or walls to clearly inform all passengers that they must use a safety belt and lanyard at all times when using the platform.

(2) Work platform use.

(a) Platforms shall be attached to the haulrope with an attachment means which develops a four to one strength factor for the combined weight of the platform and all permissible loading.

(b) The haulrope attachment means shall be designed to prevent accidental displacement.

(c) Trained and competent personnel shall attach and inspect the platform before each use.

(d) Passengers shall be provided with and shall use the correct safety harness and lanyard for the intended work.

(e) Any time a passenger's position is not protected by a standard guardrail at least thirty-six inches high, the individual shall be protected by a short lanyard which will not permit free-fall over the platform edge.

(f) When personnel are passengers on a work platform and their work position requires the use of a safety harness and lanyard, the lanyard shall be attached to the work platform, not to the haulrope or tower.

(g) Work platform passengers shall face in the direction of travel when the lift is moving.

(h) Tools, equipment and supplies shall be loaded on the platform in such a fashion that the loaded platform can safely pass all towers and appurtenances.

(i) Heavy tools, equipment or supplies shall be secured in place if they could fall over or roll within the platform and create a hazard for passengers.

(j) When the work crew is traveling on the work platform, the lift shall be operated at a speed which is safe for that particular system and the conditions present.

Note: See Appendix 2 for operating procedure requirements.

NEW SECTION

WAC 296-59-130 SKI LIFT MACHINERY GUARDING. (1) Moving machine parts that are located within normal reach shall be

fitted with safety guards in compliance with WAC 296-24-150 through 296-24-20533, Machinery and machine guarding.

(a) The coupling apparatus for the ski lift emergency drive may be provided with a removable or swing guard.

(b) When removable or swing guards are used, the guard and mounting means shall be so designed and constructed as to sustain a two hundred fifty pound weight loading without displacement.

(2) All guards shall be maintained in good condition and shall be secured in place when the equipment is in operation except for inspection and adjustment purposes.

(3) The drive machinery and primary control apparatus shall be installed in a facility which can prevent access by unauthorized personnel. The access door shall have a sign which states that entry is restricted to authorized personnel.

NEW SECTION

WAC 296-62-07523 BENZENE. (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. The employer shall provide respirators, and assure that they are used, where required by this section. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient or are not required under subsection (6)(a)(iii) of this section to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required or allowed under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section, and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11. Negative pressure respirators shall have filter elements approved by MSHA/NIOSH for organic vapors or benzene.

(iii) Any employee who cannot wear a negative pressure respirator shall be given the option of wearing a respirator with less breathing resistance such as a powered air-purifying respirator or supplied air respirator.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with Part E, Respiratory protection, WAC 296-62-071 through 296-62-07121.

(d) Respirator use.

(i) Where air-purifying respirators are used, the employer shall replace the air purifying element at the expiration of service life or at the beginning of each shift in which they will be used, whichever comes first.

(ii) If an air purifying element becomes available with an end of useful life indicator for benzene approved by MSHA/NIOSH, the element may be used until such time as the indicator shows no further useful life.

(iii) The employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces as necessary in order to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators whenever they detect a change in breathing resistance or chemical vapor breakthrough.

(e) Respirator fit testing.

(i) The employer shall perform, and certify the results of, either quantitative or qualitative fit tests at the time of initial fitting and at least annually thereafter for each employee wearing a negative pressure respirator. The test shall be used to select a respirator facepiece which exhibits minimum leakage and provides the required protection as prescribed in Table 1 of this section. The employer shall provide and assure that the employee wears a respirator demonstrated by the fit test to provide the required protection.

(ii) The employer shall follow the test protocols outlined in Appendix E of this standard for whichever type of fit testing the employer chooses.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	(1) Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	(1) Full facepiece respirator with organic vapor cartridges. (1) Full facepiece gas mask with chin style canister. ¹
(c) Less than or equal to 100 ppm.	(1) Full facepiece powered air-purifying respirator with organic vapor canister. ¹
(d) Less than or equal to 1,000 ppm.	(1) Supplied air respirator with full facepiece in positive-pressure mode.
(e) Greater than 1,000 ppm or unknown concentration.	(1) Self-contained breathing apparatus with full facepiece in positive-pressure mode. (2) Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f) Escape.....	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.
(g) Firefighting.....	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

¹ Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for non-powered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-24-07801.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year; for employees who are or may be exposed to benzene at or above the PELs ten or more days per year; for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer; and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

(A) A detailed occupational history which includes:

(I) Past work exposure to benzene or any other hematological toxins;

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(i) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage

rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

**DANGER
BENZENE
CANCER HAZARD
FLAMMABLE-NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED**

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-62-05411 and in addition shall include the following legend:

**DANGER
CONTAINS BENZENE
CANCER HAZARD**

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-62-05415 (1) and (2), and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-62-054, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Dates.

(a) Engineering and work practice controls required by subsection (6)(a) of this section shall be implemented no later than December 10, 1989.

(b) Coke and coal chemical operations may comply with (b)(ii) of this subsection or alternately include within the compliance program required by subsection (6)(b) of this section, a requirement to phase in

engineering controls as equipment is repaired and replaced. For coke and coal chemical operations choosing the latter alternative, compliance with the engineering controls requirements of subsection (6)(a) of this section shall be achieved no later than December 10, 1992. Substantial compliance with the engineering control requirements shall be achieved no later than December 10, 1990.

(14) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. The protocols on respiratory fit testing in Appendix E are mandatory.

NEW SECTION

WAC 296-62-07525 APPENDIX A SUBSTANCE SAFETY DATA SHEET—BENZENE. (1) Substance identification.

(a) Substance: Benzene.

(b) Permissible exposure: Except as to the use of gasoline, motor fuels, and other fuels subsequent to discharge from bulk terminals and other exemptions specified in WAC 296-62-07523 (1)(b):

(i) Airborne: The maximum time-weighted average (TWA) exposure limit is one part of benzene vapor per million parts of air (1 ppm) for an eight-hour workday and the maximum short-term exposure limit (STEL) is 5 ppm for any fifteen-minute period.

(ii) Dermal: Eye contact shall be prevented and skin contact with liquid benzene shall be limited.

(c) Appearance and odor: Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

(2) Health hazard data.

(a) Ways in which benzene affects your health. Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

(b) Effects of overexposure.

(i) Short-term (acute) overexposure: If you are overexposed to high concentrations of benzene, well above the levels where its odor is first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseated, or intoxicated. Severe exposures may lead to convulsions and loss of consciousness.

(ii) Long-term (chronic) exposure. Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without symptoms.

(3) Protective clothing and equipment.

(a) Respirators. Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. However, where employers can document that benzene is present in the workplace less than thirty days a year, respirators may be used in lieu of engineering controls. If respirators are worn, they must have joint Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridge or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, you may request a positive pressure respirator from your employer. You must be thoroughly trained to use the assigned respirator, and the training will be provided by your employer.

(b) Protective clothing. You must wear appropriate protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be exposed to liquid benzene.

(c) Eye and face protection. You must wear splash-proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

(4) Emergency and first aid procedures.

(a) Eye and face exposure. If benzene is splashed in your eyes, wash it out immediately with large amounts of water. If irritation persists or vision appears to be affected see a doctor as soon as possible.

(b) Skin exposure. If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

(c) Breathing. If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible. Never enter any vessel or confined space

where the benzene concentration might be high without proper safety equipment and at least one other person present who will stay outside. A life line should be used.

(d) Swallowing. If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

(5) Medical requirements. If you are exposed to benzene at a concentration at or above 0.5 ppm as an 8-hour time-weighted average, or have been exposed at or above 10 ppm in the past while employed by your current employer, your employer is required to provide a medical examination and history and laboratory tests within sixty days of the effective date of this standard and annually thereafter. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under emergency conditions known or suspected to constitute toxic exposure to benzene, your employer is required to make special laboratory tests available to you.

(6) Observation of monitoring. Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(7) Access to records. You or your representative are entitled to see the records of measurements of your exposure to benzene upon written request to your employer. Your medical examination records can be furnished to yourself, your physician, or designated representative upon request by you to your employer.

(8) Precautions for safe use, handling, and storage. Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use nonsparking tools when opening or closing benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your area and for additional plant safety rules.

NEW SECTION

WAC 296-62-07527 APPENDIX B SUBSTANCE TECHNICAL GUIDELINES—BENZENE. (1) Physical and chemical data.

- (a) Substance identification.
- (i) Synonyms: Benzol, benzole, coal naphtha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin and Benzine do not contain benzene.)
- (ii) Formula: C₆H₆ (CAS Registry Number: 71-43-2).
- (b) Physical data.
- (i) Boiling point (760 mm Hg); 80.1 C (176 F).
- (ii) Specific gravity (water=1): 0.879.
- (iii) Vapor density (air=1): 2.7.
- (iv) Melting point: 5.5 C (42 F).
- (v) Vapor pressure at 20 C (68 F): 75 mm Hg.
- (vi) Solubility in water: .06%.
- (vii) Evaporation rate (ether=1): 2.8.
- (viii) Appearance and odor: Clear, colorless liquid with a distinctive sweet odor.

(2) Fire, explosion, and reactivity hazard data.

- (a) Fire.
- (i) Flash point (closed cup): -11 C (12 F).
- (ii) Autoignition temperature: 580 C (1076 F).
- (iii) Flammable limits in Air. % by volume: Lower: 1.3%, Upper: 7.5%.
- (iv) Extinguishing media: Carbon dioxide, dry chemical, or foam.
- (v) Special fire-fighting procedures: Do not use solid stream of water, since stream will scatter and spread fire. Fine water spray can be used to keep fire-exposed containers cool.

(vi) Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

(vii) Benzene is classified as a 1 B flammable liquid for the purpose of conforming to the requirements of WAC 296-24-330. A concentration exceeding 3,250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class I Group D for the purposes of conforming to the requirements of WAC 296-24-95613.

(b) Reactivity.

(i) Conditions contributing to instability: Heat.

(ii) Incompatibility: Heat and oxidizing materials.

(iii) Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

(3) Spill and leak procedures.

(a) Steps to be taken if the material is released or spilled. As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth; benzene remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(b) Waste disposal method. Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of:

(i) By absorbing it in dry sand or earth and disposing in a sanitary landfill;

(ii) If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; and

(iii) If large quantities, by atomizing it in a suitable combustion chamber.

(4) Miscellaneous precautions.

(a) High exposure to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices must be established to avoid spills.

(b) Use nonsparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

(c) Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: The primary production and utilization of benzene, and transfer of benzene.

NEW SECTION

WAC 296-62-07529 APPENDIX C MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE. (1) Route of entry.

Inhalation; skin absorption.

(2) Toxicology. Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system, pancytopenia, aplastic anemia, and leukemia. Inhalation of high concentrations can affect central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. There is some absorption through the skin. Absorption may be more rapid in the case of abraded skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. The defatting action of benzene may produce primary irritation due to repeated or prolonged contact with the skin. High concentrations are irritating to the eyes and the mucous membranes of the nose, and respiratory tract.

(3) Signs and symptoms. Direct skin contact with benzene may cause erythema. Repeated or prolonged contact may result in drying, scaling dermatitis, or development of secondary skin infections. In addition, there is benzene absorption through the skin. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitement, and/or giddiness, followed by a period of depression, drowsiness, or fatigue. A sensation of tightness in the chest accompanied by breathlessness may occur and ultimately the victim may lose consciousness. Tremors, convulsions, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The detrimental effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have occurred at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of

benzene morbidity are varied, often not readily noticed and nonspecific. Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical signs. Rapid pulse and low blood pressure, in addition to a physical appearance of anemia, may accompany a subjective complaint of shortness of breath and excessive tiredness. Bleeding from the nose, gums, or mucous membranes, and the development of purpuric spots (small bruises) may occur as the condition progresses. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, has been frequently reported among the first signs.

Bone marrow may appear normal, aplastic, or hyperplastic, and may not, in all situations, correlate with peripheral blood forming tissues. Because of variations in the susceptibility to benzene morbidity, there is no "typical" blood picture. The onset of effects of prolonged benzene exposure may be delayed for many months or years after the actual exposure has ceased and identification or correlation with benzene exposure must be sought out in the occupational history.

(4) Treatment of acute toxic effects. Remove from exposure immediately. Make sure you are adequately protected and do not risk being overcome by fumes. Give oxygen or artificial resuscitation if indicated. Flush eyes, wash skin if contaminated and remove all contaminated clothing. Symptoms of intoxication may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

(5) Surveillance and preventive considerations.

(a) General. The principal effects of benzene exposure which form the basis for this regulation are pathological changes in the hematopoietic system, reflected by changes in the peripheral blood and manifesting clinically as pancytopenia, aplastic anemia, and leukemia. Consequently, the medical surveillance program is designed to observe, on a regular basis, blood indices for early signs of these effects, and although early signs of leukemia are not usually available, emerging diagnostic technology and innovative regimes make consistent surveillance for leukemia, as well as other hematopoietic effects, essential.

Initial examinations are to be provided within sixty days of the effective date of this standard, or at the time of initial assignment, and periodic examinations annually thereafter.

There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.

The blood values which require referral to a hematologist or internist are noted in (b)(i) of this subsection. The standard specifies that blood abnormalities that persist must be referred "unless the physician has good reason to believe such referral is unnecessary" ((b)(i) of this subsection). Examples of conditions that could make a referral unnecessary despite abnormal blood limits are iron or folate deficiency, menorrhagia, or blood loss due to some unrelated medical abnormality.

Symptoms and signs of benzene toxicity can be nonspecific. Only a detailed history and appropriate investigative procedure will enable a physician to rule out or confirm conditions that place the employee at increased risk. To assist the examining physician with regard to which laboratory tests are necessary and when to refer an employee to the specialist, OSHA has established the following guidelines.

(b) Hematology guidelines. A minimum battery of tests is to be performed by strictly standardized methods.

(i) Red cell, white cell, platelet counts, white blood cell differential, hematocrit and red cell indices must be performed by an accredited laboratory. The normal ranges for the red cell and white cell counts are influenced by altitude, race, and sex, and therefore should be determined by the accredited laboratory in the specific area where the tests are performed.

Either a decline from an absolute normal or an individual's baseline to a subnormal value or a rise to a supra-normal value, are indicative of potential toxicity, particularly if all blood parameters decline. The normal total white blood count is approximately 7,200/mm³ plus or minus 3,000. For cigarette smokers the white count may be higher and the upper range may be 2,000 cells higher than normal for the laboratory. In addition, infection, allergies and some drugs may raise the white cell count. The normal platelet count is approximately 250,000 with a range of 140,000 to 400,000. Counts outside this range should be regarded as possible evidence of benzene toxicity.

Certain abnormalities found through routine screening are of greater significance in the benzene-exposed worker and require prompt consultation with a specialist, namely:

(A) Thrombocytopenia.

(B) A trend of decreasing white cell, red cell, or platelet indices in an individual over time is more worrisome than an isolated abnormal finding at one test time. The importance of trend highlights the need to

compare an individual's test results to baseline and/or previous periodic tests.

(C) A constellation or pattern of abnormalities in the different blood indices is of more significance than a single abnormality. A low white count not associated with any abnormalities in other cell indices may be a normal statistical variation, whereas if the low white count is accompanied by decreases in the platelet and/or red cell indices, such a pattern is more likely to be associated with benzene toxicity and merits thorough investigation.

Anemia, leukopenia, macrocytosis or an abnormal differential white blood cell count should alert the physician to further investigate and/or refer the patient if repeat tests confirm the abnormalities. If routine screening detects an abnormality, follow-up tests which may be helpful in establishing the etiology of the abnormality are the peripheral blood smear and the reticulocyte count.

The extreme range of normal for reticulocytes is 0.4 to 2.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to about 2.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

(ii) An important diagnostic test is a careful examination of the peripheral blood smear. As with reticulocyte count the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may, under certain limited conditions, be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to twelve hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature.

(iii) The minimum mandatory observations to be made from the smear are:

(A) The differential white blood cell count;

(B) Description of abnormalities in the appearance of red cells; and

(C) Description of any abnormalities in the platelets.

(D) A careful search must be made throughout of every blood smear for immature white cells such as band forms (in more than normal proportion, i.e., over ten percent of the total differential count), any number of metamyelocytes, myelocytes, or myeloblasts. Any nucleate or multinucleated red blood cells should be reported. Large "giant" platelets or fragments of megakaryocytes must be recognized.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention, for it may represent a change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes, in the absence of another probable cause, is to be considered a possible indication of benzene-induced toxicity.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About twenty percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persistent monocytosis. The findings of a monocyte count which persists at more than ten to twelve percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess of 800/mm³ should be regarded as a possible sign of benzene-induced toxicity.

A less frequent but more serious indication of benzene toxicity is the finding in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly. Other tests that can be administered to investigate blood abnormalities are

discussed below; however, such procedures should be undertaken by the hematologist.

An uncommon sign, which cannot be detected from the smear, but can be elicited by a "sucrose water test" of peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia, and may be followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the "sucrose water test" is positive, the somewhat more definitive Ham test, also known as the acid-serum hemolysis test, may provide confirmation.

(E) Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene may have progressed through a preliminary phase of hematologic abnormality. In some instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin, but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Depression of a single blood cell type or platelets may represent a harbinger of aplasia or leukemia. The finding of two or more cytopenias, or pancytopenia in a benzene-exposed individual, must be regarded as highly suspicious of more advanced although still reversible, toxicity. "Pancytopenia" coupled with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or unexplained elevations of white blood cells must be regarded as evidence of benzene overexposure unless proved otherwise. Many severely aplastic patients manifested the ominous finding of five to ten percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and twenty to thirty monocytes. It is evident that isolated cytopenias, pancytopenias, and even aplastic anemias induced by benzene may be reversible and complete recovery has been reported on cessation of exposure. However, since any of these abnormalities is serious, the employee must immediately be removed from any possible exposure to benzene vapor. Certain tests may substantiate the employee's prospects for progression or regression. One such test would be an examination of the bone marrow, but the decision to perform a bone marrow aspiration or needle biopsy is made by the hematologist.

The findings of basophilic stippling in circulating red blood cells (usually found in one to five percent of red cells following marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be premonitory signs of subsequent leukemia.

Recently peroxidase-staining of circulating or marrow neutrophil granulocytes, employing benzidine dihydrochloride, have revealed the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes, and this has been reported as an early sign of leukemia. However, relatively few patients have been studied to date. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase has also been reported as suggestive of early acute leukemia. Exposure to benzene may cause an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus, serial measurements of serum iron levels may provide a means of determining whether or not there is a trend representing sustained suppression of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed in most pathology laboratories. Peroxidase and alkaline phosphatase staining are usually undertaken when the index of suspicion for leukemia is high.

NEW SECTION

WAC 296-62-07531 APPENDIX D SAMPLING AND ANALYTICAL METHODS FOR BENZENE MONITORING AND MEASUREMENT PROCEDURES. Measurements taken for the purpose of determining employee exposure to benzene are best taken so that the representative average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis must

be performed with procedures meeting the requirements of the standard.

There are a number of methods available for monitoring employee exposures to benzene. The sampling and analysis may be performed by collection of the benzene vapor on charcoal adsorption tubes, with subsequent chemical analysis by gas chromatography. Sampling and analysis may also be performed by portable direct reading instruments, real-time continuous monitoring systems, passive dosimeters or other suitable methods. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must have an accuracy, to a ninety-five percent confidence level, of not less than plus or minus twenty-five percent for concentrations of benzene greater than or equal to 0.5 ppm.

The WISHA laboratory uses NIOSH Method 1500 for evaluation of benzene air concentrations.

(1) WISHA method HYDCB for air samples.

Analyte: Benzene.

Matrix: Air.

Procedure: Adsorption on charcoal, desorption with carbon disulfide, analysis by GC.

Detection limit: 0.25 ppm.

Recommended air volume and sampling rate: 10L at 0.05 to 0.2 L/min.

(a) Principle of the method.

(i) A known volume of air is drawn through a charcoal tube to trap the organic vapors present.

(ii) The charcoal in the tube is transferred to a small, stoppered vial, and the analyte is desorbed with carbon disulfide.

(iii) An aliquot of the desorbed sample is injected into a gas chromatograph.

(iv) The area of the resulting peak is determined and compared with areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The sampling device is small, portable, and involves no liquids. Interferences are minimal, and most of those which do occur can be eliminated by altering chromatographic conditions. The samples are analyzed by means of a quick, instrumental method.

(ii) The amount of sample which can be taken is limited by the number of milligrams that the tube will hold before overloading. When the sample value obtained for the backup section of the charcoal tube exceeds twenty-five percent of that found on the front section, the possibility of sample loss exists.

(c) Apparatus.

(i) A calibrated personal sampling pump whose flow can be determined within ± 5 percent at the recommended flow rate.

(ii) Charcoal tubes: Glass with both ends flame sealed, 7 cm long with a 6-mm O.D. and a 4-mm I.D., containing two sections of 20/40 mesh activated charcoal separated by a 2-mm portion of urethane foam. The activated charcoal is prepared from coconut shells and is obtained commercially. The adsorbing section contains 100 mg of charcoal, the back-up section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the back-up section. A plug of silanized glass wool is placed in front of the adsorbing section. The pressure drop across the tube must be less than one inch of mercury at a flow rate of one liter per minute.

(iii) Gas chromatograph equipped with a flame ionization detector.

(iv) Column (10-ft 1/8-in stainless steel) packed with 80/100 Supelcoport coated with twenty percent SP 2100, 0.1 percent CW 1500.

(v) An electronic integrator or some other suitable method for measuring peak area.

(vi) Two-milliliter sample vials with Teflon-lined caps.

(vii) Microliter syringes: 10-microliter 10-uL syringe, and other convenient sizes for making standards, 1-uL syringe for sample injections.

(viii) Pipets: 1.0 mL delivery pipets.

(ix) Volumetric flasks: Convenient sizes for making standard solutions.

(d) Reagents.

(i) Chromatographic quality carbon disulfide (CS₂). Most commercially available carbon disulfide contains a trace of benzene which must be removed. It can be removed with the following procedure:

Heat under reflux for two to three hours, 500 mL of carbon disulfide, 10 mL concentrated sulfuric acid, and five drops of concentrated nitric acid. The benzene is converted to nitrobenzene. The carbon disulfide layer is removed, dried with anhydrous sodium sulfate, and

distilled. The recovered carbon disulfide should be benzene free. (It has recently been determined that benzene can also be removed by passing the carbon disulfide through 13x molecular sieve.)

- (ii) Benzene, reagent grade.
- (iii) p-Cymene, reagent grade, (internal standard).
- (iv) Desorbing reagent. The desorbing reagent is prepared by adding 0.05 mL of p-Cymene per milliliter of carbon disulfide. (The internal standard offers a convenient means correcting analytical response for slight inconsistencies in the size of sample injections. If the external standard technique is preferred, the internal standard can be eliminated.)

(v) Purified GC grade helium, hydrogen, and air.
 (e) Procedure.
 (i) Cleaning of equipment. All glassware used for the laboratory analysis should be properly cleaned and free of organics which could interfere in the analysis.

(ii) Calibration of personal pumps. Each pump must be calibrated with a representative charcoal tube in the line.

(iii) Collection and shipping of samples.
 (A) Immediately before sampling, break the ends of the tube to provide an opening at least one-half the internal diameter of the tube (2 mm).

(B) The smaller section of the charcoal is used as the backup and should be placed nearest the sampling pump.

(C) The charcoal tube should be placed in a vertical position during sampling to minimize channeling through the charcoal.

(D) Air being sampled should not be passed through any hose or tubing before entering the charcoal tube.

(E) A sample size of ten liters is recommended. Sample at a flow rate of approximately 0.05 to 0.2 liters per minute. The flow rate should be known with an accuracy of at least ± 5 percent.

(F) The charcoal tubes should be capped with the supplied plastic caps immediately after sampling.

(G) Submit at least one blank tube (a charcoal tube subjected to the same handling procedures, without having any air drawn through it) with each set of samples. Take necessary shipping and packing precautions to minimize breakage of samples.

(iv) Analysis of samples.
 (A) Preparation of samples. In preparation for analysis, each charcoal tube is scored with a file in front of the first section of charcoal and broken open. The glass wool is removed and discarded. The charcoal in the first (larger) section is transferred to a 2-ml vial. The separating section of foam is removed and discarded; the second section is transferred to another capped vial. These two sections are analyzed separately.

(B) Desorption of samples. Prior to analysis, 1.0 mL of desorbing solution is pipetted into each sample container. The desorbing solution consists of 0.05 uL internal standard per mL of carbon disulfide. The sample vials are capped as soon as the solvent is added. Desorption should be done for thirty minutes with occasional shaking.

(C) GC conditions. Typical operating conditions for the gas chromatograph are:

- (I) mL/min (60 psig) helium carrier gas flow.
- (II) mL/min (40 psig) hydrogen gas flow to detector.
- (III) mL/min (40 psig) air flow to detector.
- (IV) 250°C injector temperature.
- (V) 250°C detector temperature.
- (VI) Column temperature variable.

(D) Injection size. 1 µL.
 (D) Measurement of area. The peak areas are measured by an electronic integrator or some other suitable form of area measurement.

(F) An internal standard procedure is used. The integrator is calibrated to report results in ppm for a ten liter air sample after correction for desorption efficiency.

(v) Determination of desorption efficiency.
 (A) Importance of determination. The desorption efficiency of a particular compound can vary from one laboratory to another and from one lot of chemical to another. Thus, it is necessary to determine, at least once, the percentage of the specific compound that is removed in the desorption process, provided the same batch of charcoal is used.

(B) Procedure for determining desorption efficiency. The reference portion of the charcoal tube is removed. To the remaining portion,

amounts representing 0.5X, 1X, and 2X and (X represents target concentration) based on a 10 L air sample are injected into several tubes at each level. Dilutions of benzene with carbon disulfide are made to allow injection of measurable quantities. These tubes are then allowed to equilibrate at least overnight. Following equilibration they are analyzed following the same procedure as the samples. Desorption efficiency is determined by dividing the amount of benzene found by amount spiked on the tube.

(f) Calibration and standards. A series of standards varying in concentration over the range of interest is prepared and analyzed under the same GC conditions that will be used on the samples. A calibration curve is prepared by plotting concentration (mg/mL) versus peak area.

(g) Calculations. Benzene air concentration can be calculated from the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where: A=mg/mL benzene, obtained from the calibration curve
 B=desorption volume (l mL)
 C=Liters of air sampled
 D=desorption efficiency

The concentration in mg/m³ can be converted to ppm (at 25 and 760 mm) with the following equation:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/(78.11)$$

Where: 24.46=molar volume of an ideal gas
 25 C and 760 mm
 78.11=molecular weight of benzene

(h) Backup data.
 (i) Detection limit-air samples.

The detection limit for the analytical procedure is 2.2 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of 0.25 ppm for a 10 L air sample. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 1 uL injections of a 2.2 mg/mL standard.

Injection	Area Count	
1	655.4	
2	617.5	
3	662.0	$\bar{X} = 640.2$
4	641.1	SD = 14.9
5	636.4	CV = 0.023
6	629.2	

(ii) Pooled coefficient of variation-Air Samples. The pooled coefficient of variation for the analytical procedure was determined by 1 uL replicate injections of analytical standards. The standards were 16.04, 32.08, and 64.16 ug/mL, which are equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample respectively.

Injection	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3996.5	8130.2	16481
2	4059.4	8235.6	16493
3	4052.0	8307.9	16535
4	4027.2	8263.2	16609
5	4046.8	8291.1	16552
6	4137.9	8288.8	16618
\bar{X} =	4053.3	8254.0	16548.3
SD=	47.2	62.5	57.1
CV=	0.0116	0.0076	0.0034
CV= 0.008			

(iii) Storage data-air samples.
 Samples were generated at 1.03 ppm benzene at eighty percent relative humidity, 22 C, and 643 mm. All samples were taken for fifty minutes at 0.2 L/min. Six samples were analyzed immediately and the rest of the samples were divided into two groups by fifteen samples each. One group was stored at refrigerated temperature of -25 C, and the other group was stored at ambient temperature (approximately 23 C). These samples were analyzed over a period of fifteen days. The results are tabulated below.

PERCENT RECOVERY

Day Analyzed	Refrigerated			Ambient		
0	97.4	98.7	98.9	97.4	98.7	98.9
0	97.1	100.6	100.9	97.1	100.6	100.9
2	95.8	96.4	95.4	95.4	96.6	96.9
5	93.9	93.7	92.4	92.4	94.3	94.1
9	93.6	95.5	94.6	95.2	95.6	96.6
13	94.3	95.3	93.7	91.0	95.0	94.6
15	96.8	95.8	94.2	92.9	96.3	95.9

(iv) Desorption data.

Samples were prepared by injecting liquid benzene onto the A section of charcoal tubes. Samples were prepared that would be equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample.

PERCENT RECOVERY

Sample	Recovery		
	0.5 ppm	1.0 ppm	2.0 ppm
1	99.4	98.8	99.5
2	99.5	98.7	99.7
3	99.2	98.6	99.8
4	99.4	99.1	100.0
5	99.2	99.0	99.7
6	99.8	99.1	99.9
\bar{X} =	99.4	98.9	99.8
SD=	0.22	0.21	0.18
CV=	0.0022	0.0021	0.0018
\bar{X} = 99.4			

(v) Carbon disulfide.

Carbon disulfide from a number of sources was analyzed for benzene contamination. The results are given in the following table. The benzene contaminant can be removed with the procedures given in section 4.1.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017.....	4.20	0.13
Baker Lot 720364.....	1.0f	0.03
Baker Lot 822351.....	1.0f	0.03
Malinkrodt Lot WEMP.....	1.74	0.05
Malinkrodt Lot WHGA.....	5.65	0.18
Treated CS ₂	2.90	0.09

(2) WISHA laboratory method for bulk samples.

Analyte: Benzene.

Matrix: Bulk samples.

Procedure: Bulk samples are analyzed directly by high performance liquid chromatography (HPLC) or by capillary gas chromatography. See laboratory manual for GC procedure.

Detection limits: 0.01% by volume.

(a) Principle of the method.

(i) An aliquot of the bulk sample to be analyzed is injected into a liquid chromatograph or gas chromatograph.

(ii) The peak area for benzene is determined and compared to areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The analytical procedure is quick, sensitive, and reproducible.

(ii) Reanalysis of samples is possible.

(iii) Interferences can be circumvented by proper selection of HPLC parameters or GC parameters.

(iv) Samples must be free of any particulates that may clog the capillary tubing in the liquid chromatograph. This may require distilling the sample or clarifying with a clarification kit.

(c) Apparatus.

(i) Liquid chromatograph equipped with a UV detector or capillary gas chromatograph with FID detector.

(ii) HPLC column that will separate benzene from other components in the bulk sample being analyzed. The column used for validation studies was a Waters uBondapack C18, 30 cm x 3.9 mm.

(iii) A clarification kit to remove any particulates in the bulk if necessary.

(iv) A micro-distillation apparatus to distill any samples if necessary.

(v) An electronic integrator or some other suitable method of measuring peak areas.

(vi) Microliter syringes—10 uL syringe and other convenient sizes for making standards. 10 uL syringe for sample injections.

(vii) Volumetric flasks, 5 mL and other convenient sizes for preparing standards and making dilutions.

(d) Reagents.

(i) Benzene, reagent grade.

(ii) HPLC grade water, methyl alcohol, and isopropyl alcohol.

(e) Collection and shipment of samples.

(i) Samples should be transported in glass containers with Teflon-lined caps.

(ii) Samples should not be put in the same container used for air samples.

(f) Analysis of samples.

(i) Sample preparation.

If necessary, the samples are distilled or clarified. Samples are analyzed undiluted. If the benzene concentration is out of the working range, suitable dilutions are made with isopropyl alcohol.

(ii) HPLC conditions.

The typical operating conditions for the high performance liquid chromatograph are:

(A) Mobile phase—Methyl alcohol/water, 50/50.

(B) Analytical wavelength—254 nm.

(C) Injection size—10 μL.

(iii) Measurement of peak area and calibration.

Peak areas are measured by an integrator or other suitable means. The integrator is calibrated to report results % in benzene by volume.

(g) Calculations.

Since the integrator is programmed to report results in % benzene by volume in an undiluted sample, the following equation is used:

$$\% \text{ Benzene by Volume} = A \times B$$

Where: A=% by volume on report

B=Dilution Factor

(B=1 for undiluted sample)

(h) Backup data.

(i) Detection limit—bulk samples.

The detection limit for the analytical procedure for bulk samples is 0.88 ug, with a coefficient or variation of 0.019 at this level. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 10 uL injections of a 0.10% by volume standard.

1	45386	\bar{X} = 44040. SD = 852.5 CV = 0.019
2	44214	
3	43822	
4	44062	
5	42724	
6	42724	

(ii) Pooled coefficient of variation—bulk samples.

The pooled coefficient of variation for analytical procedure was determined by 50 uL replicate injections of analytical standards. The standards were 0.01, 0.02, 0.04, 0.10, 1.0, and 2.0% benzene by volume.

Injection No.	0.01	0.02	0.04	0.10	1.0	2.0
1	45386	84737	166097	448497	4395380	9339150
2	44241	84300	170832	441299	4590800	9484900
3	43822	83835	164160	443719	4593200	9557580
4	44062	84381	164445	444842	4642350	9677060
5	44006	83012	168398	442564	4646430	9766240
6	42724	81957	173002	443975	4646260	.....
\bar{X} =	44040.1	83703.6	167872	444149	4585767	9564986
SD=	852.5	1042.2	3589.8	2459.1	96839.3	166233
CV=	0.0194	0.0125	0.0213	0.0055	0.0211	0.0174
\bar{CV} =	0.017					

NEW SECTION

WAC 296-62-07533 APPENDIX E QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. Fit test protocols.

(l) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(i) Position of the mask on the nose;

(ii) Room for eye protection;

(iii) Room to talk; and

(iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

(i) Chin properly placed;

(ii) Adequate strap tension, not overly tightened;

(iii) Fit across nose bridge;

(iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip; and

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

(i) Name of employee;

(ii) Type, brand, and size of respirator; and

(iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise in (n)(i) of this subsection.

Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off, and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hand the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (b)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes (subitem (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(h) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two

of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration; or

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

PART P

Hazardous waste operations and emergency response

WAC

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NEW SECTION

WAC 296-62-300 SCOPE, APPLICATION, AND DEFINITIONS. (1) Scope. This section covers employers and employees engaged in the following operations:

(a) Hazardous substance response operations under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. 9601 et seq.) (CERCLA), including initial investigations at CERCLA sites before the presence or absence of hazardous substances has been ascertained;

(b) Major corrective actions taken in clean-up operations under the Resource Conservation and Recovery Act of 1976 as amended (42 U.S.C. 6901 et seq.) (RCRA);

(c) Operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400 pursuant to RCRA, except for small quantity generators and those employers with

less than ninety days accumulation of hazardous wastes as defined in WAC 173-303-200 and 173-303-070;

(d) Hazardous waste operations sites that have been designated for clean-up by state or local governmental authorities; and

(e) Emergency response operations for releases of or substantial threats of releases of hazardous substances and post-emergency response operations for such releases.

(2) Application.

(a) All requirements of this chapter and chapters 296-24 and 296-155 WAC apply pursuant to their terms to hazardous waste operations (whether covered by this part or not). In addition the provisions of this part apply to operations covered by this part. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.

(b) All sections of this part except WAC 296-62-3110 and 296-62-3140 apply to hazardous substance response operations under CERCLA, major corrective actions taken in clean-up operations under RCRA, post-emergency response operations, and hazardous waste operations that have been designated for clean-up by state or local governmental authorities.

(c) Only the requirements of WAC 296-62-3110 and 296-62-3140 apply to those operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400, except for small quantity generators and those employers with less than ninety days accumulation of hazardous wastes as defined in WAC 173-303-200 and 173-303-070.

(d) WAC 296-62-3110 applies to emergency response operations for releases of or substantial threats of releases of hazardous substances.

(3) Definitions.

(a) "Buddy system" means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to observe the activities of at least one other employee in the work group. The purpose of the buddy system is to provide quick assistance to those other employees in the event of an emergency.

(b) "Decontamination" means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

(c) "Emergency response" means a coordinated response effort by employees from outside the immediate release area or by outside responders (i.e., mutual aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance. Responses to incidental releases that can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area are not considered to be emergency responses within the scope of this standard. Responses to release of hazardous substances where the concentration of hazardous substance is below the established permissible exposure limits are not considered to be emergency responses.

(d) "Established permissible exposure limit" means the inhalation or dermal permissible exposure limit specified in this chapter, or if none is specified the exposure limits in "NIOSH Recommendations for Occupational Health Standards" dated September 1986 incorporated by reference, or if neither of the above is specified, the standards specified by the American Conference of Governmental Industrial Hygienists in the latest edition of their publication "Threshold Limit Values and Biological Exposure Indices" incorporated by reference, or if none of the above is specified, a limit based upon a published study or manufacturers' safety data sheet brought to the employer's attention. The two documents incorporated by reference are available for purchase from the following:

NIOSH, Publications Dissemination, Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226, (513) 841-4287; and

American Conference of Governmental Industrial Hygienists, 6500 Glenway Ave., Building D-7, Cincinnati, OH 45211-4438, (513) 661-7881.

(e) "Hazardous substance" means any substance designated or listed under (e)(i) through (iv) of this subsection, exposure to which results or may result in adverse effects on the health or safety of employees:

(i) Any substance defined under section 101(14) of CERCLA;

(ii) Any biological agent and other disease-causing agent as defined in section 101(33) of CERCLA;

(iii) Any substance listed by the United States Department of Transportation and regulated as hazardous materials under WAC 480-12-195; and

(iv) Hazardous waste.

(f) "Hazardous waste" means:

(i) A waste or combination of wastes as defined in WAC 173-303-040; or

(ii) Those substances defined in WAC 480-12-195.

(g) "Hazardous waste operation" means any operation involving employee exposure to hazardous wastes, hazardous substances, or any combination of hazardous wastes and hazardous substances that are conducted within the scope of this standard.

(h) "Hazardous waste site" or "site" means any facility or location at which hazardous waste operations within the scope of this standard take place.

(i) "Health hazard" means a chemical, mixture of chemicals, or a pathogen for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Further definition of the terms used above can be found in Appendix A to WAC 296-62-054 through 296-62-05427.

(j) "IDLH" or "immediately dangerous to life or health" means any atmospheric condition that poses an immediate threat to life, or which is likely to result in acute or immediate severe health effects. This includes oxygen deficiency conditions.

(k) "Immediate severe health effects" means any acute clinical sign or symptom of a serious, exposure-related reaction manifested within seventy-two hours after exposure to a hazardous substance.

(l) "Oxygen deficiency" means that concentration of oxygen by volume below which air supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

(m) "Site safety and health officer" means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

NEW SECTION

WAC 296-62-3010 GENERAL REQUIREMENTS. (1) Safety and health program. Each employer shall develop and implement a safety and health program for its employees involved in hazardous waste operations. The program, as a minimum, shall incorporate the requirements of this part and be provided, as appropriate, to any subcontractor or its representative who will be involved with the hazardous waste operation. The program shall be designed to identify, evaluate, and control safety and health hazards and provide for emergency response for hazardous waste operations.

(2) Site characterization and analysis. Hazardous waste sites shall be evaluated in accordance with WAC 296-62-3020 to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards.

(3) Site control. Site control procedures shall be implemented in accordance with WAC 296-62-3030 before clean-up work begins to control employee exposure to hazardous substances.

(4) Training. Initial or refresher or review training meeting the requirements of WAC 296-62-3040 shall be provided to employees before they are permitted to engage in hazardous waste operations that could expose them to hazardous substances, safety, or health hazards.

(5) Medical surveillance. Medical surveillance shall be provided in accordance with WAC 296-62-3050 for employees exposed or potentially exposed to hazardous substances or health hazards or who wear respirators.

(6) Engineering controls, work practices, and personal protective equipment. Engineering controls, work practices, personal protective equipment, or a combination of these shall be implemented in accordance with WAC 296-62-3060 to protect employees from exposure to hazardous substances and health hazards.

(7) Monitoring. Monitoring shall be performed in accordance with WAC 296-62-3070 to assure proper selection of engineering controls, work practices, and personal protective equipment so that employees are not exposed to levels which exceed established permissible exposure limits for hazardous substances.

(8) Informational program. Employees, contractors, and subcontractors or their representative shall be informed of the degree and nature of safety and health hazards specific to the worksite by using the safety and health plan outlined in WAC 296-62-3080.

(9) Material handling. Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with WAC 296-62-3090.

(10) Decontamination. Procedures for all phases of decontamination shall be developed and implemented in accordance with WAC 296-62-3100.

(11) Emergency response. Emergency response to hazardous waste operation incidents shall be conducted in accordance with WAC 296-62-3110.

(12) Illumination. Areas accessible to employees shall be lighted in accordance with the requirements of WAC 296-62-3120.

(13) Sanitation. Facilities for employee sanitation shall be provided in accordance with WAC 296-62-3130.

(14) Site excavation. Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped to prevent accidental collapse and conducted in accordance with Part N of chapter 296-155 WAC.

(15) Contractors and subcontractors. An employer who retains contractor or subcontractor services for work in hazardous waste operations shall inform those contractors, subcontractors, or their representatives of any potential fire, explosion, health, or other safety hazards of the hazardous waste operation that have been identified by the employer.

NEW SECTION

WAC 296-62-3020 SITE CHARACTERIZATION AND ANALYSIS. (1) A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a trained person to aid in the selection of appropriate employee protection methods prior to site entry. During site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a trained person to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(2) All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH) or other conditions that may cause death or serious harm shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(3) The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

(a) Location and approximate size of the site.

(b) Description of the response activity and/or the job task to be performed.

(c) Duration of the planned employee activity.

(d) Site topography.

(e) Site accessibility by air and roads.

(f) Pathways for hazardous substance dispersion.

(g) Present status and capabilities of emergency response teams that would provide assistance to on-site employees at the time of an emergency.

(h) Hazardous substances and health hazards involved or expected at the site and their chemical and physical properties.

(4) Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(a) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below established permissible exposure limits for known or suspected hazardous substances and health hazards and will provide protection against other known and suspected hazards identified during the preliminary site evaluation.

(b) An escape self-contained breathing apparatus of at least five minutes duration shall be carried by employees or kept available at their immediate work station if positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble.

(c) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site an ensemble of Level B PPE shall be provided as minimum protection and

direct reading instruments shall be carried for identifying IDLH conditions. (See WAC 296-62-3170 - Appendix B for guidelines on Level B protective equipment.)

(d) Once the hazards of the site have been positively identified, the appropriate PPE shall be selected and used in accordance with WAC 296-62-3060.

(5) The following monitoring shall be conducted during site entry when the site evaluation produces information which shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient to rule out these possible conditions:

(a) Monitoring for hazardous levels of ionizing radiation.

(b) Monitoring the air with appropriate test equipment for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).

(c) Visually observe for signs of actual or potential IDLH or other dangerous conditions.

(6) Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified.

Note: Risks to consider include, but are not limited to:

Exposures exceeding the appropriate threshold limit values (TLVs), permissible exposure limits (PELs), or recommended exposure limits (RELs).

IDLH concentrations.

Potential skin absorption and irritation sources.

Potential eye irritation sources.

Explosion sensitivity and flammability ranges.

(7) Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to all employees prior to the commencement of their work activities.

(8) An ongoing air monitoring program in accordance with WAC 296-62-3070 shall be implemented after site characterization has determined the site is safe for the start-up of operations.

NEW SECTION

WAC 296-62-3030 SITE CONTROL. (1) A site control program for preventing contamination of employees shall be developed during the planning stages of a hazardous waste operation clean-up.

(2) The site control program shall, as a minimum, include: A site map, site work zones, the use of a "buddy system," site communications, the standard operating procedures or safe work practices, and identification of nearest medical assistance.

NEW SECTION

WAC 296-62-3040 TRAINING. (1) All employees (such as but not limited to equipment operators and general laborers) exposed to hazardous substances, health hazards, or safety hazards shall be thoroughly trained in the following:

(a) Names of personnel and alternates responsible for site safety and health;

(b) Safety, health, and other hazards present on the site;

(c) Use of PPE;

(d) Work practices by which the employee can minimize risks from hazards;

(e) Safe use of engineering controls and equipment on the site;

(f) Medical surveillance requirements including recognition of symptoms and signs which might indicate overexposure to hazards; and

(g) The site safety and health plan set forth in WAC 296-62-3080 (2)(a)(vii) through (xi).

(2) All employees shall at the time of job assignment receive a minimum of forty hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor. Workers who may be exposed to unique or special hazards shall be provided additional training. The level of training provided shall be consistent with the employee's job function and responsibilities.

(3) On-site management and supervisors directly responsible for or who supervise employees engaged in hazardous waste operations shall receive training as provided in subsections (1) and (2) of this section and at least eight additional hours of specialized training on managing such operations at the time of job assignment.

(4) Trainers shall have received a level of training higher than and including the subject matter of the level of instruction that they are providing.

(5) Employees shall not participate in field activities until they have been trained to a level required by their job function and responsibility.

(6) Employees and supervisors that have received and successfully completed the training and field experience specified in subsections (1), (2), and (3) of this section shall be certified by their instructor as having completed the necessary training. Any person who has not been so certified nor meets the requirements of subsection (9) of this section shall be prohibited from engaging in hazardous waste operations after March 16, 1987.

(7) Employees who are responsible for responding to hazardous emergency situations that may expose them to hazardous substances shall be trained in how to respond to expected emergencies.

(8) Employees specified in subsection (1) of this section and managers specified in subsection (3) of this section shall receive eight hours of refresher training annually on the items specified in subsection (1) of this section and other relevant topics.

(9) Employers who can show by an employee's work experience and/or training that the employee has had initial training equivalent to that training required in subsections (1), (2), and (3) of this section shall be considered as meeting the initial training requirements of those sections as to that employee. Equivalent training includes the training that existing employees might have already received from actual on-site experience.

NEW SECTION

WAC 296-62-3050 MEDICAL SURVEILLANCE. (1) Employees covered. A medical surveillance program shall be instituted by the employer for the following employees:

(a) All employees who are or may be exposed to hazardous substances or health hazards at or above the established permissible exposure limits for these substances, without regard to the use of respirators, for thirty days or more a year;

(b) All employees who wear a respirator for thirty days or more a year; and

(c) HAZMAT employees specified in WAC 296-62-3110(4) while engaged in hazardous waste operations covered by this part.

(2) Frequency of medical examinations and consultations. Medical examinations and consultations shall be made available by the employer to each employee covered under subsection (1) of this section on the following schedules:

(a) Prior to assignment or for employees covered on the effective date of this standard as specified in WAC 296-62-3150.

(b) At least once every twelve months for each employee covered.

(c) At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months.

(d) As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that an unprotected employee has been exposed in an emergency situation.

(e) At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary.

(3) Content of medical examinations and consultations.

(a) Medical examinations required by subsection (2) of this section shall include a medical and work history with special emphasis on symptoms related to the handling of hazardous substances and health hazards and to fitness for duty including the ability to wear any required PPE under conditions (i.e., temperature extremes) that may be expected at the worksite.

(b) The content of medical examinations or consultations made available to employees pursuant to this section shall be determined by the examining physician.

(4) Examination by a physician and costs. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician; and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(5) Information provided to the physician. The employer shall provide the following information to the examining physician:

(a) A copy of this standard and its appendices;

(b) A description of the employee's duties as they relate to the employee's exposures;

(c) The employee's exposure levels or anticipated exposure levels;

(d) A description of any personal protective equipment used or to be used; and

(e) Information from previous medical examinations of the employee which is not readily available to the examining physician.

(6) Physician's written opinion.

(a) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(i) The results of the medical examination and tests.

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from work in hazardous waste operations or emergency response.

(iii) The physician's recommended limitations upon the employees assigned work.

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(b) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(7) Recordkeeping.

(a) An accurate record of the medical surveillance required by this section shall be retained. This record shall be retained for the period specified and meet the criteria of Part B of this chapter.

(b) The record required in (a) of this subsection shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physicians' written opinions, recommended limitations, and results of examinations and tests;

(iii) Any employee medical complaints related to exposure to hazardous substances;

(iv) A copy of the information provided to the examining physician by the employer, with the exception of the standard and its appendices.

NEW SECTION

WAC 296-62-3060 ENGINEERING CONTROLS, WORK PRACTICES, AND PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEE PROTECTION. (1) Engineering controls, work practices, and PPE for substances regulated in this chapter.

(a) Engineering controls and work practices shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits of substances regulated by this chapter, except to the extent that such controls and practices are not feasible.

Note: Engineering controls which may be feasible are the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all nonessential employees from potential exposure during opening of drums, wetting down dusty operations, and locating employees upwind of possible hazards.

(b) Whenever engineering controls and work practices are not feasible, PPE shall be used to reduce and maintain exposures to or below the permissible exposure limits of substances regulated by this chapter.

(c) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible exposure limits.

(2) Engineering controls, work practices, and personal protective equipment for substances not regulated in this chapter. An appropriate combination of engineering controls, work practices, and personal protective equipment shall be established to reduce and maintain employee exposure to or below the established permissible exposure limit for hazardous substances and health hazards not regulated by this chapter.

(3) Personal protective equipment selection.

(a) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(b) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(c) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply shall be used in IDLH conditions.

(d) Totally-encapsulating chemical protective suits (Level A protection) shall be used in conditions where contact of the skin by the hazardous substance may result in an IDLH situation.

(e) The level of protection provided by PPE selection shall be increased when additional information or site conditions show that increased protection is necessary to reduce employee exposures below established permissible exposure limits for hazardous substances and health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of protection provided may be decreased when additional information or site conditions show that decreased protection will not result in hazardous exposures to employees.

(f) Personal protective equipment shall be selected and used to meet the requirements of chapter 296-24 WAC, Part A-1, and additional requirements specified in this part.

(4) Totally-encapsulating chemical protective suits.

(a) Totally-encapsulating suit materials used for Level A protection shall protect employees from the particular hazards which are identified during site characterization and analysis.

(b) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See WAC 296-62-3160 - Appendix A.)

(c) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See WAC 296-62-3160 - Appendix A.)

(5) Personal protective equipment (PPE) program. A personal protective equipment program shall be established for hazardous waste operations. The PPE program shall address the following elements:

(a) Site hazards;

(b) PPE selection;

(c) PPE use;

(d) Work mission duration;

(e) PPE maintenance and storage;

(f) PPE decontamination;

(g) PPE training and proper fitting;

(h) PPE donning and doffing procedures;

(i) PPE inspection;

(j) PPE in-use monitoring;

(k) Evaluation of the effectiveness of the PPE program; and

(l) Limitations during temperature extremes.

NEW SECTION

WAC 296-62-3070 MONITORING. (1) Air monitoring shall be used to identify and quantify airborne levels of hazardous substances and health hazards in order to determine the appropriate level of employee protection needed on site.

(2) As a first step, air monitoring shall be conducted to identify any IDLH and other dangerous situations, such as the presence of flammable atmospheres, oxygen-deficient environments, toxic levels of airborne contaminants, and radioactive materials.

(3) As a minimum, periodic monitoring shall be conducted when:

(a) Work begins on a different portion of the site.

(b) Contaminants other than those previously identified are being handled.

(c) A different type of operation is initiated (e.g., drum opening as opposed to exploratory well drilling).

(d) Employees are handling leaking drums or containers or working in areas with obvious liquid contamination (e.g., a spill or lagoon).

(4) After hazardous waste cleanup operations commence, the employer shall monitor those employees likely to have the highest potential exposures to those hazardous substances and health hazards most likely to be present above established permissible exposure limits. The employer shall sample frequently in order to characterize employee exposure. The employer may utilize a representative sampling approach by documenting that the employees and chemicals chosen for monitoring are based on the criteria stated in subsection (1) of this section. Employers are not required to monitor employees engaged in site characterization operations covered by WAC 296-62-3020 unless such work involves possible exposure to hazardous substances or health hazards.

NEW SECTION

WAC 296-62-3080 INFORMATIONAL PROGRAMS. (1) General. As part of the safety and health program required in WAC 296-62-3010(1), the employer shall develop and implement a site safety and health plan meeting the requirements of subsection (2) of this section for each hazardous waste operation.

(2) Site safety and health plan. The site safety and health plan, which shall be available on the site for inspection by employees, their

designated representatives, and WISHA personnel, shall address the safety and health hazards of each phase of site operation and include the requirements and procedures for employee protection.

(a) The site safety and health plan, as a minimum, shall address the following:

(i) Names of key personnel and alternates responsible for site safety and health and appointment of a site safety and health officer.

(ii) A safety and health risk analysis for each site task and operation.

(iii) Employee training assignments.

(iv) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted.

(v) Medical surveillance requirements.

(vi) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used. Methods of maintenance and calibration of monitoring and sampling equipment to be used.

(vii) Site control measures.

(viii) Decontamination procedures.

(ix) Site's standard operating procedures.

(x) A contingency plan meeting the requirements of WAC 296-62-3110 (1) and (2) for safe and effective responses to emergencies including the necessary PPE and other equipment.

(xi) Confined space entry procedures.

(b) Preentry briefings shall be held prior to initiating any site activity and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that it is being followed.

(c) Inspections shall be conducted by the site safety and health officer or, in the absence of that individual, another individual acting on behalf of the employer as necessary to determine the effectiveness of the site safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

NEW SECTION

WAC 296-62-3090 HANDLING DRUMS AND CONTAINERS. (1) General.

(a) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the wastes that they contain.

(b) Drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of inaccessible storage conditions shall be moved to an accessible location and inspected prior to further handling.

(c) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(d) Site operations shall be organized to minimize the amount of drum or container movement.

(e) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(f) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(g) Where major spills may occur, a spill containment program shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(h) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(i) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of drums or containers.

(j) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(k) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control small fires.

(2) When there is a reasonable possibility of flammable atmosphere being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(3) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the bank of air cylinders shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(f) Employees shall not stand upon or work from drums or containers.

(4) Electrical material handling equipment. Electrical material handling equipment used to transfer drums and containers shall:

(a) Be positioned and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers; or

(b) Meet the requirements of WAC 296-24-95613 and be of the appropriate electrical classification for the materials being handled.

(5) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employees is properly assessed.

(6) Shock-sensitive wastes.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employers and their shippers should refer to WAC 480-12-195.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health officer or command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

(7) Laboratory waste packs. In addition to the requirements of subsection (5) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(8) Sampling drums and containers. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(9) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to safely identify and classify materials and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(10) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures meeting WAC 296-62-3080 (2)(a)(xi) shall be followed whenever employees must enter a tank or vault.

NEW SECTION

WAC 296-62-3100 DECONTAMINATION. (1) A decontamination procedure shall be developed, communicated to employees and implemented before any employees or equipment may enter areas on site where potential for exposure to hazardous substances exists.

(2) Standard operating procedures shall be developed to minimize employee contact with hazardous substances or with equipment that has contacted hazardous substances.

(3) Decontamination shall be performed in areas that will minimize the exposure of uncontaminated employees or equipment to contaminated employees or equipment.

(4) All employees leaving a contaminated area shall be appropriately decontaminated; all clothing and equipment leaving a contaminated area shall be appropriately disposed of or decontaminated.

(5) Decontamination procedures shall be monitored by the site safety and health officer to determine their effectiveness. When such procedures are found to be ineffective, appropriate steps shall be taken to correct any deficiencies.

(6) All equipment and solvents used for decontamination shall be decontaminated or disposed of properly.

(7) Protective clothing and equipment shall be decontaminated, cleaned, laundered, maintained, or replaced as needed to maintain their effectiveness.

(8) Impermeable protective clothing which contacts or is likely to have contacted hazardous substances shall be decontaminated before being removed by the employee.

(9) Employees whose nonimpermeable clothing becomes wetted with hazardous substances shall immediately remove that clothing and proceed to shower. The clothing shall be disposed of or decontaminated before it is removed from the work zone.

(10) Unauthorized employees shall not remove protective clothing or equipment from change rooms.

(11) Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures to hazardous substances.

(12) Where the decontamination procedure indicates a need for showers and change rooms, they shall be provided and meet the requirements of Part B-1 of chapter 296-24 WAC.

NEW SECTION

WAC 296-62-3110 EMERGENCY RESPONSE. (1) General.

(a) An emergency response plan shall be developed and implemented by employers to handle anticipated emergencies prior to the commencement of hazardous waste operations. Emergency response activities to all other hazardous waste operations shall follow an emergency response plan meeting the requirements of this section.

(b) Elements of an emergency response plan. The emergency response plan for on-site and off-site emergencies shall address as a minimum the following:

- (i) Preemergency planning.
- (ii) Personnel roles, lines of authority, training, and communication.
- (iii) Emergency recognition and prevention.
- (iv) Safe distances and places of refuge.
- (v) Site security and control.
- (vi) Evacuation routes and procedures.
- (vii) Decontamination.
- (viii) Emergency medical treatment and first aid.
- (ix) Emergency alerting and response procedures.
- (x) Critique of response and follow-up.
- (xi) PPE and emergency equipment.

(2) Hazardous waste operations, on-site emergency response.

(a) Training. Training for site emergency response shall be conducted in accordance with WAC 296-62-3040.

(b) Procedures for handling site emergency incidents.

(i) In addition to the elements for the emergency response plan required in subsection (1)(b) of this section, the following elements shall be included for on-site emergency response plans:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The on-site emergency response plan shall be a separate section of the site safety and health plan.

(iii) The on-site emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(iv) The on-site emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(v) The on-site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(vi) An employee alarm system shall be installed in accordance with WAC 296-24-631 through 296-24-63199 to notify employees of an on-site emergency situation, to stop work activities if necessary, to lower background noise in order to speed communication, and to begin emergency procedures.

(vii) Based upon the information available at the time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the on-site emergency response plan.

(3) Off-site emergency response.

(a) Training. Training for handling off-site emergency responses involving hazardous substances shall be conducted on a monthly basis and shall be at least twenty-four hours annually. The training shall include as a minimum: Recognition of hazards; selection, care, and use of personal protective equipment; and safe operating procedures to be used at the incident scene.

(b) Procedures for handling off-site emergency incidents.

(i) The senior officer responding to an incident involving a hazardous substance or waste shall establish an incident command system (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS.

(ii) The individual in charge of the ICS shall identify, to the extent possible, all hazardous substances or conditions present.

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in WAC 296-24-58505 through 296-24-58507 when worn while performing fire fighting operations beyond the incipient stage.

(iv) Self-contained breathing apparatus shall be worn at all times by persons having possible exposure to hazardous substances or health hazards during initial emergency response operations. After one year from the date of publication of this rule only positive pressure self-contained respirators shall be used. The individual in charge of the ICS may decrease the level of respiratory protection worn by employees if it is determined by air monitoring or other documentation that decreasing protection will not result in hazardous exposures to employees.

(v) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

(vi) Back-up personnel shall be standing by with equipment ready to provide assistance or rescue. Qualified basic life support personnel, as a minimum, shall also be standing by with medical equipment and transportation capability.

(vii) The individual in charge of the ICS shall designate a safety officer, who is knowledgeable in fire fighting or rescue operations and hazardous substance handling procedures, with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand.

(viii) When activities are judged by the safety officer to be unsafe and/or to involve an imminent danger condition, the safety officer shall have the authority to alter, suspend, or terminate those activities. The safety officer shall immediately inform the individual in charge of the

ICS of any actions taken to correct these hazards at an emergency scene.

(ix) After emergency operations have terminated, the individual in charge of the ICS shall implement appropriate decontamination procedures.

(x) Approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet United States Department of Transportation and National Institute for Occupational Safety and Health criteria.

(4) Hazardous materials teams (HAZMAT).

(a) Employees who are members of the HAZMAT team, defined as employees designated by the employer to plug, patch or otherwise temporarily control or stop leaks from containers which hold hazardous substances or health hazards, shall be given training in accordance with subsection (3) of this section that includes the care and use of chemical protective clothing and procedures to be followed when working on leaking drums, containers, tanks, or bulk transport vehicles.

(b) Members of HAZMAT teams shall receive physical examinations meeting the requirements of WAC 296-62-3050.

(c) Personal protective clothing and equipment to be used by HAZMAT team members shall meet the requirements of WAC 296-62-3060.

(5) Post-emergency response operations. Upon completion of the emergency response, if it is determined that it is necessary to remove hazardous substances, health hazards and materials contaminated with them, such as contaminated soil or other elements of the natural environment, then such operations shall meet all the requirements of WAC 296-62-3010 through 296-62-3130.

NEW SECTION

WAC 296-62-3120 ILLUMINATION. Work areas shall be lighted to not less than the minimum illumination intensities listed in Table 1 while any work is in progress:

TABLE 1 - 120.1 - MINIMUM ILLUMINATION Intensities in Foot-Candles

Foot-candles	Area or operation
5	General site area.
3	Excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: Warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas; exception: Minimum of ten foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.
10	General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

NEW SECTION

WAC 296-62-3130 SANITATION AT TEMPORARY WORKPLACES. (1) Potable water.

(a) An adequate supply of potable water shall be provided on the site.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or fire fighting purposes shall be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(3) Toilet facilities.

(a) Toilets shall be provided for employees according to Table 2.

TABLE 2 - TOILET FACILITIES

Number of employees	Minimum number of facilities
20 or fewer	One.
More than 20, fewer than 200	One toilet seat and one urinal per 40 employees.
More than 200	One toilet seat and one urinal per 50 employees.

(b) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(c) Hazardous waste sites, not provided with a sanitary sewer, shall be provided with the following toilet facilities unless prohibited by local codes:

- (i) Privies;
- (ii) Chemical toilets;
- (iii) Recirculating toilets; or
- (iv) Combustion toilets.

(d) The requirements of this section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(4) Food handling. All employees' food service facilities and operations shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(6) Washing facilities. The employer shall provide adequate washing facilities for employees engaged in operations where hazardous substances may be harmful to employees. Such facilities shall be in near proximity to the worksite, in areas where exposures are below established permissible exposure limits and which are under the control of the employer, and shall be so equipped as to enable employees to remove hazardous substances from themselves.

NEW SECTION

WAC 296-62-3140 CERTAIN OPERATIONS CONDUCTED UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA). Employers conducting operations specified in WAC 296-62-3060 (2)(c) shall:

(1) Implement a hazard communication program meeting the requirements of WAC 296-62-054 through 296-62-05427;

(2) Implement a medical surveillance program meeting the requirements of WAC 296-62-3050;

(3) Develop and implement a safety and health program for employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards in their facilities for the purpose of employee protection and provide for emergency response meeting the requirements of subsection (1) of this section;

(4) Develop and implement a decontamination procedure in accordance with WAC 296-62-3100; and

(5) Develop and implement a training program for employees involved with hazardous waste operations to enable each employee to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for twenty-four hours and refresher training shall be for eight hours annually.

Employers who can show by an employee's work experience and/or training that the employee has had initial training equivalent to the initial training required by this section, shall be considered as meeting the initial training of this section as to that employee.

NEW SECTION

WAC 296-62-3150 **START-UP DATES.** The engineering controls, work practices, and personal protective equipment required by WAC 296-62-3060(1) are existing requirements of other WISHA standards and continues to be required from the effective date of this standard.

NEW SECTION

WAC 296-62-3152 **APPENDICES TO PART P – HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE.**

Note: The following appendices serve as nonmandatory guidelines to assist employees and employers in complying with the appropriate requirements of this part except the protection equivalent to protection afforded by Level A and Level B personal protective equipment specified in WAC 296-62-3170 – Appendix B is required in certain circumstances by WAC 296-62-3020 (4)(c) and 296-62-3060 (3)(d).

NEW SECTION

WAC 296-62-3160 **APPENDIX A—PERSONAL PROTECTIVE EQUIPMENT TEST METHODS.** This appendix sets forth the nonmandatory examples of tests which may be used to evaluate compliance with WAC 296-62-3060. Other tests and other challenge agents may be used to evaluate compliance.

(1) Fully-encapsulated suit pressure test.

(a) Scope.

(i) This practice measures the ability of a gas tight totally-encapsulating chemical protective suit material, seams, and closures to maintain a fixed positive pressure. The results of this practice allow the gas tight integrity of a total-encapsulating chemical protective suit to be evaluated.

(ii) Resistance of the suit materials to permeation, penetration, and degradation by specific hazardous substances is not determined by this test method.

(b) Description of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)." A full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material." Any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight." For the purpose of this practice the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(c) Summary of practice. The TECP suit is visually inspected and modified for the test. The test apparatus is attached to the suit to permit inflation to the pretest suit expansion pressure for removal of suit wrinkles and creases. The pressure is lowered to the test pressure and monitored for three minutes. If the pressure drop is excessive, the TECP suit fails the tests and is removed from service. After leak location and repair the test is repeated.

(d) Required supplies.

(i) Source of compressed air.

(ii) Test apparatus for suit testing including a pressure measurement device with a sensitivity of at least 1/4 inch water gauge.

(iii) Vent valve closure plugs or sealing tape.

(vi) Soapy water solution and soft brush.

(v) Stop watch or appropriate timing device.

(e) Safety precautions. Care shall be taken to provide the correct pressure safety devices required for the source of compressed air used.

(f) Test procedure. Prior to each test, the tester shall perform a visual inspection of the suit. Check the suit for seam integrity by visually examining the seams and gently pulling on the seams. Ensure that all air supply lines, fittings, visor, zippers, and valves are secure and show no signs of deterioration.

(i) Seal off the vent valves along with any other normal inlet or exhaust points (such as umbilical air line fittings or facepiece opening) with tape or other appropriate means (caps, plugs, fixture, etc.). Care should be exercised in the sealing process not to damage any of the suit components.

(ii) Close all closure assemblies.

(iii) Prepare the suit for inflation by providing an improvised connection point on the suit for connecting an airline. Attach the pressure

test apparatus to the suit to permit suit inflation from a compressed air source equipped with a pressure indicating regulator. The leak tightness of the pressure test apparatus should be tested before and after each test by closing off the end of the tubing attached to the suit and assuring a pressure of three inches water gauge for three minutes can be maintained. If a component is removed for the test, that component shall be replaced and a second test conducted with another component removed to permit a complete test of the ensemble.

(iv) The pretest expansion pressure (A) and the suit test pressure (B) shall be supplied by the suit manufacturer but in no case shall they be less than A=3 inches water gauge and B=2 inches water gauge. The ending suit pressure (C) shall be no less than eighty percent (4/5) of the test pressure (B); i.e., the pressure drop shall not exceed twenty percent (1/5) of the test pressure (B).

(v) Inflate the suit until the pressure inside is equal to pressure "A", the pretest expansion suit pressure. Allow at least one minute to fill out the wrinkles in the suit. Release sufficient air to reduce the suit pressure to pressure "B", the suit test pressure. Begin timing. At the end of three minutes, record the suit pressure as pressure "C", the ending suit pressure. The difference between the suit test pressure and the ending suit test pressure ("B-C") shall be defined as the suit pressure drop.

(vi) If the suit pressure drop is more than twenty percent (1/5) of the suit test pressure "B" during the three minute test period, the suit fails the test and shall be removed from service.

(g) Retest procedure.

(i) If the suit fails the test check for leaks by inflating the suit to pressure "A" and brushing or wiping the entire suit (including seams, closures, lens gaskets, glove-to-sleeve joints, etc.) with a mild soap and water solution. Observe the suit for the formation of soap bubbles, which is an indication of a leak. Repair all identified leaks.

(ii) Retest the TECP suit as outlined in (f) of this subsection.

(h) Report. Each TECP suit tested by this practice shall have the following information recorded.

(i) Unique identification number identifying brand name, date of purchase, material of construction, and unique fit features; e.g., special breathing apparatus.

(ii) The actual values for test pressures "A", "B", and "C" shall be recorded along with the specific observation times. If the ending pressure ("C") is less than eighty percent of the test pressure ("B") the suit shall be identified as failing the test. When possible, the specific leak location shall be identified in the test records. Retest pressure data shall be recorded as an additional test.

(iii) The source of the test apparatus used shall be identified and the sensitivity of the pressure gauge shall be recorded.

(iv) Records shall be kept for each pressure test even if repairs are being made at the test location.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked. Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

(2) Fully-encapsulated suit qualitative leak test.

(a) Scope.

(i) This practice semiquantitatively tests gas tight totally-encapsulating chemical protective suit integrity by detecting inward leakage of ammonia vapor. Since no modifications are made to the suit to carry out this test, the results from this practice provide a realistic test for the integrity of the entire suit.

(ii) Resistance of the suit materials to permeation, penetration, and degradation is not determined by this test method.

(b) Description of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)." A full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material." Any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight." For the purpose of this practice the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(iv) "Intrusion coefficient." A number expressing the level of protection provided by a gas tight totally-encapsulating chemical protective

suit. The intrusion coefficient is calculated by dividing the test room challenge agent concentration by the concentration of challenge agent found inside the suit. The accuracy of the intrusion coefficient is dependent on the challenge agent monitoring methods. The larger the intrusion coefficient, the greater the protection provided by the TECP suit.

(c) Summary of recommended practice. The volume of concentrated aqueous ammonia solution (ammonia hydroxide, NH_4OH) required to generate the test atmosphere is determined using the directions outlined in WAC 296-62-3190 (2)(f)(i). The suit is donned by a person wearing the appropriate respiratory equipment (either a self-contained breathing apparatus or a supplied air respirator) and worn inside the enclosed test room. The concentrated aqueous ammonia solution is taken by the suited individual into the test room and poured into an open plastic pan. A two-minute evaporation period is observed before the test room concentration is measured using a high range ammonia length of stain detector tube. When the ammonia reaches a concentration of between 1000 and 1200 ppm, the suited individual starts a standardized exercise protocol to stress and flex the suit. After this protocol is completed the test room concentration is measured again. The suited individual exits the test room and his stand-by person measures the ammonia concentration inside the suit using a low range ammonia length of stain detector tube or other more sensitive ammonia detector. A stand-by person is required to observe the test individual during the test procedure, aid the person in donning and doffing the TECP suit and monitor the suit interior. The intrusion coefficient of the suit can be calculated by dividing the average test area concentration by the interior suit concentration. A colorimetric indicator strip of bromophenol blue is placed on the inside of the suit facepiece lens so that the suited individual is able to detect a color change and know if the suit has a significant leak. If a color change is observed the individual should leave the test room immediately.

(d) Required supplies.

(i) A supply of concentrated ammonia (fifty-eight percent ammonium hydroxide by weight).

(ii) A supply of bromophenol/blue indicating paper, sensitive to 5-10 ppm ammonia or greater over a two-minute period of exposure.

(iii) A supply of high range (0.5-10 volume percent) and low range (5-700 ppm) detector tubes for ammonia and the corresponding sampling pump. More sensitive ammonia detectors can be substituted for the low range detector tubes to improve the sensitivity of this practice.

(iv) A plastic pan (PVC) at least 12":14":1" and a half pint plastic container (PVC) with tightly closing lid.

(v) Volumetric measuring device of at least fifty milliliters in volume with an accuracy of at least NZ1 milliliters.

(e) Safety precautions.

(i) Concentrated aqueous ammonia is a corrosive volatile liquid requiring eye, skin, and respiratory protection. The persons conducting tests shall review the MSDS for aqueous ammonia.

(ii) Since the threshold limit value for ammonia is 25 ppm, only persons wearing a self-contained breathing apparatus or a supplied air respirator shall be in the chamber. Normally only the person wearing the total-encapsulating suit will be inside the chamber. A stand-by person shall have a self-contained breathing apparatus, or a supplied air respirator, available to enter the test area should the suited individual need assistance.

(iii) A method to monitor the suited individual must be used during this test. Visual contact is the simplest but other methods using communication devices are acceptable.

(iv) The test room shall be large enough to allow the exercise protocol to be carried out and ventilated to allow for easy exhaust of the ammonia test atmosphere after the test(s) are completed.

(v) Individuals shall be medically screened for the use of respiratory protection and checked for allergies to ammonia before participating in this test procedure.

(f) Test procedure.

(i) Measure the test area to the nearest foot and calculate its volume in cubic feet. Multiply the test area volume by 0.2 milliliters of concentrated aqueous ammonia per cubic foot of test area volume to determine the approximate volume of concentrated aqueous ammonia required to generate 1000 ppm in the test area.

(A) Measure this volume from the supply of concentrated ammonia and place it into a closed plastic container.

(B) Place the jar, several high range ammonia detector tubes and the pump in the clean test pan and locate it near the test area entry door so that the suited individual has easy access to these supplies.

(ii) In a noncontaminated atmosphere, open a presealed ammonia indicator strip and fasten one end of the strip to the inside of the suit face shield lens where it can be seen by the wearer. Care shall be taken not to contaminate the detector part of the indicator paper by touching it. A small piece of masking tape or equivalent should be used to attach the indicator strip to the interior of the suit face shield.

(iii) If problems are encountered with this method of attachment the indicator strip can be attached to the outside of the respirator facepiece being used during the test, assuming the facepiece is worn within the TECP suit.

(iv) Don the respiratory protective device normally used with the suit, and then don the TECP suit to be tested. Check to be sure all openings which are intended to be sealed (zippers, gloves, etc.) are completely sealed. Do NOT, however, plug off any venting valves.

(v) Step into the enclosed test room such as a closet, bathroom, or test booth, equipped with an exhaust fan. No air should be exhausted from the chamber during the test because this will dilute the ammonia challenge concentrations.

(vi) Open the container with the premeasured volume of ammonia within the enclosed test room, and pour the liquid into the empty plastic test pan. Wait two minutes to allow for adequate volatilization of the ammonia. A small mixing fan can be used near the evaporation pan to increase the evaporation rate of ammonia.

(vii) After two minutes a determination of the ammonia concentration within the chamber should be made using the high range colorimetric detector tube. A concentration of 1000 ppm ammonia or greater shall be generated before the exercises are started.

(viii) To test the integrity of the suit the following four minute exercise protocol should be followed:

(A) Raising the arms above the head with at least fifteen raising motions completed in one minute.

(B) Walking in place for one minute with at least fifteen raising motions of each leg in a one-minute period.

(C) Touching the toes with at least ten complete motions of the arms from above the head to touching of the toes in a one-minute period.

(D) Deep knee bends with at least ten complete standing and squatting motions in a one-minute period.

(ix) At any time during the test should the colorimetric indicating paper change colors the test should be stopped and (f)(x) and (xi) of this subsection initiated.

(x) After completion of the test exercise, the test area concentration should be measured again using the high range colorimetric detector tube.

(xi) Exit the test area.

(xii) The opening created by the suit zipper or other appropriate suit penetration should be used to determine the ammonia concentration in the suit with the low range length of stain detector tube or other ammonia monitor. The internal TECP suit air should be sampled far enough from the enclosed test area to prevent a false ammonia reading.

(xiii) After completion of the measurement of the suit interior ammonia concentration the test is concluded and the suit is doffed and the respirator removed.

(xiv) The ventilating fan for the test room should be turned on and allowed to run for enough time to remove the ammonia gas.

(xv) Any detectable ammonia in the suit interior (5 ppm NH_3 or more for the length of stain detector tube) indicates the suit fails the test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

(xvi) By following this practice an intrusion coefficient of approximately two hundred or more can be measured with the suit in a completely operational condition.

(g) Retest procedures.

(i) If the suit fails this test check for leaks by following the pressure test in test "A" above.

(ii) Retest the TECP suit as outlined in (f) of this subsection, Test procedure.

(h) Report.

(i) Each gas tight totally-encapsulating chemical protective suit tested by this practice shall have the following information recorded.

(A) Unique identification number identifying brand name, date of purchase, material of construction, and unique suit features; e.g., special breathing apparatus.

(B) General description of test room used for test.

(C) Brand name and purchase date of ammonia detector strips.

(D) Brand name, sampling range, and expiration date of the length of stain ammonia detector tubes. The brand name and model of the sampling pump should also be recorded. If another type of ammonia detector is used, it should be identified along with its minimum detection limit for ammonia.

(E) Actual test results shall list the two test area concentrations, their average, the interior suit concentration, and the calculated intrusion coefficient. Retest data shall be recorded as an additional test.

(ii) The evaluation of the data shall be specified as "suit passed" or "suit failed" and the date of the test. Any detectable ammonia (5 ppm or greater for the length of stain detector tube) in the suit interior indicates the suit fails this test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

NEW SECTION

WAC 296-62-3170 APPENDIX B—GENERAL DESCRIPTION AND DISCUSSION OF THE LEVELS OF PROTECTION AND PROTECTIVE GEAR. This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

(1) As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

(a) Selection of the appropriate PPE is a complex process which must take into consideration a variety of factors. Key factors involved in this process are identification of the hazards or suspected hazards, their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact), and the performance of the PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations, or the exposure after breakthrough must not pose a hazardous level.

(b) Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength and seam strength, in relation to the employee's tasks must be considered. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

(c) The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

(2) The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combinations of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation and reselection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

(a) Personal protective equipment has been divided into four categories based on the degree of protection afforded and are as follows (see (b) of this subsection for further explanation of Levels A, B, C, and D hazards):

(i) Level A to be selected when the greatest level of skin, respiratory, and eye protection is required. Level A equipment, used as appropriate.

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape

SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

(B) Totally-encapsulating chemical-protective suit.

(C) Coveralls.*

(D) Long underwear.*

(E) Gloves, outer, chemical-resistant.

(F) Gloves, inner, chemical-resistant.

(G) Boots, outer, chemical-resistant steel toe and shank.

(H) Hard hat (under suit).*

(I) Disposable protective suit, gloves, and boots. (Depending on suit construction, may be worn over totally-encapsulating suit.)

(J) Two-way radios (worn inside encapsulating suit).

*Optional, as applicable.

(ii) Level B. The highest level of respiratory protection is necessary but a lesser level of skin protection is needed. Level B equipment, used as appropriate.

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls and long-sleeved jacket, coveralls, one-piece or two-piece chemical-splash suit, disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots, outer, chemical-resistant steel toe and shank.

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Two-way radios (worn inside encapsulating suit).

(J) Face shield.*

*Optional, as applicable.

(iii) Level C. The concentration(s) and type(s) of airborne substance(s) is/are known and the criteria for using air purifying respirators are met. Level C equipment, used as appropriate.

(A) Full-face or half-mask, air purifying, canister equipped respirators (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls; two-piece chemical-splash suit; disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots, outer, chemical-resistant steel toe and shank.*

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Escape mask.*

(J) Two-way radios (worn under outside protective clothing).

(K) Face shield.*

*Optional, as applicable.

(iv) Level D. A work uniform affording minimal protection: Used for nuisance contamination only. Level D equipment, used as appropriate.

(A) Coveralls.

(B) Gloves.*

(C) Boots/shoes, chemical-resistant steel toe and shank.

(D) Boots, outer, chemical-resistant (disposable).*

(E) Safety glasses or chemical splash goggles.*

(F) Hard hat.

(G) Escape mask.*

(H) Face shield.*

*Optional, as applicable.

(b) Part B. The types of hazards for which Levels A, B, C, and D protection are appropriate are described below:

(i) Level A protection should be used when:

(A) The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the intact skin;

(B) Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

(C) Operations must be conducted in confined, poorly ventilated areas and the absence of conditions requiring Level A have not yet been determined.

(ii) Level B protection should be used when:

(A) The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

Note: This involves atmospheres with IDLH concentrations of specific substances that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

(B) The atmosphere contains less than 19.5 percent oxygen; or

(C) The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the intact skin.

(iii) Level C protection should be used when:

(A) The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

(B) The types of air contaminants have been identified, concentrations measured, and a canister respirator is available that can remove the contaminants; and

(C) All criteria for the use of air-purifying respirators are met.

(iv) Level D protection should be used when:

(A) The atmosphere contains no known hazard; and

(B) Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

NEW SECTION

WAC 296-62-3180 APPENDIX C—COMPLIANCE GUIDELINES. (1) Occupational safety and health program. Each hazardous waste site clean-up effort will require a site specific occupational safety and health program headed by the site coordinator or the employer's representative. The program will be designed for the protection of employees at the site. The program will need to be developed before work begins on the site and implemented as work proceeds. The program is to facilitate coordination and communication among personnel responsible for the various activities which will take place at the site. It will provide the overall means for planning and implementing the needed safety and health training and job orientation of employees who will be working at the site. The program will provide the means for identifying and controlling worksite hazards and the means for monitoring program effectiveness. The program will need to cover the responsibilities and authority of the site coordinator for the safety and health of employees at the site, and the relationships with contractors or support services as to what each employer's safety and health responsibilities are for their employees on the site. Each contractor on the site needs to have its own safety and health program so structured that it will smoothly interface with the program of the site coordinator.

(a) Each site safety and health program will need to include the following:

(i) Policy statements of the line of authority and accountability for implementing the program, the objectives of the program and the role of the site safety and health officer or manager and staff;

(ii) Means or methods for the development of procedures for identifying and controlling workplace hazards at the site;

(iii) Means or methods for the development and communication to employees of the various plans, work rules, standard operating procedures and practices that pertain to individual employees and supervisors;

(iv) The training of supervisors and employees to develop the needed skills and knowledge to perform their work in a safe and healthful manner;

(v) Means to anticipate and prepare for emergency situations; and

(vi) Information feedback to aid in evaluating the program and for improving the effectiveness of the program. The management and employees should be trying continually to improve the effectiveness of the program thereby enhancing the protection being afforded those working on the site.

(b) Accidents on the site should be investigated to provide information on how such occurrences can be avoided in the future. When injuries or illnesses occur on the site, they will need to be investigated to

determine what needs to be done to prevent this incident from occurring again. Such information will need to be used as feedback on the effectiveness of the program and the information turned into positive steps to prevent any recurrence. Receipt of employee suggestions or complaints relating to safety and health issues involved with site activities is also a feedback mechanism that needs to be used effectively to improve the program and may serve in part as an evaluative tool(s).

(2) Training. The employer is encouraged to utilize those training programs that have been recognized by the National Institute of Environmental Health Sciences through its training grants program. These training and educational programs are being developed for the employees who work directly with hazardous substances. For further information about these programs contact: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

Training programs for emergency service organizations are available from the United States National Fire Academy, Emmitsburg, MD and the various state fire training schools. The International Society of Fire Service Instructors, Ashland, MA is another resource.

(3) Decontamination. Decontamination procedures should be tailored to the specific hazards of the site and will vary in complexity, and number of steps, depending on the level of hazard and the employee's exposure to the hazard. Decontamination procedures and PPE decontamination methods will vary depending upon the specific substance, since one procedure or method will not work for all substances. Evaluation of decontamination methods and procedures should be performed, as necessary, to assure that employees are not exposed to hazards by reusing PPE. References in WAC 296-62-3190, Appendix D, may be used for guidance in establishing an effective decontamination program.

(4) Emergency response plans. States, along with designated districts within the states, will be developing or have developed emergency response plans. These district and state plans are to be utilized in the emergency response plans called for in this standard. Each employer needs to assure that its emergency response plan is compatible with the local plan. In addition, the CAER program of the chemical manufacturers' association (CMA) is another helpful resource in formulating an effective emergency response plan. Also the current Emergency Response Guidebook from the United States Department of Transportation, CMA's CHEMTREC and the Fire Service Emergency Management Handbook should be used as resources as well.

NEW SECTION

WAC 296-62-3190 APPENDIX D—REFERENCES TO APPENDIX. The following references to the Appendix may be consulted for further information on the subject of this notice:

(1) WISHA Guidelines for Superfund and Other Hazardous Waste Site Activities, W.R.D. 84-13 as amended, October 24, 1986.

(2) WISHA Hazardous Waste Activity Form, July 1986, WISHA Form F413-016-000.

(3) Hazardous Waste Inspections Reference Manual, U.S. Department of Labor, Occupational Safety and Health Administration, 1986.

(4) Memorandum of Understanding Among the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the United States Coast Guard, and the United States Environmental Protection Agency; Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies; December 18, 1980.

(5) National Priorities List, 1st Edition, October 1984; U.S. Environmental Protection Agency, Revised periodically.

(6) The Decontamination of Response Personnel, Field Standard Operating Procedures (F.S.O.P.) 7; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, December 1984.

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(12) Personal Protective Equipment for Hazardous Materials Incidents: A Selection Guide; U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; October 1984.

(13) Fire Service Emergency Management Handbook, Federal Emergency Management Agency, Washington, D.C., January 1985.

(14) Emergency Response Guidebook, U.S. Department of Transportation, Washington, D.C., 1983.

AMENDATORY SECTION (Amending Order 84-22, filed 10/30/84)

WAC 296-62-054 HAZARD COMMUNICATION PURPOSE.

(1) The purpose of this section is to ensure that the hazards of all chemicals produced or imported (~~by chemical manufacturers or importers~~) are evaluated, and that information concerning their hazards is transmitted to (~~affected~~) employers and employees. This transmittal of information is to be accomplished by means of comprehensive hazard communication programs, which are to include container labeling and other forms of warning, material safety data sheets and employee training.

(2) This occupational safety and health standard is intended to address comprehensively the issue of evaluating (~~and communicating chemical hazards to employees~~) the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees. Evaluating the potential hazards of chemicals, and communicating information concerning hazards and appropriate protective measures to employees, may include, for example, but is not limited to, provisions for: Developing and maintaining a written hazard communication program for the workplace, including lists of hazardous chemicals present; labeling of containers of chemicals in the workplace, as well as of containers of chemicals being shipped to other workplaces; preparation and distribution of material safety data sheets to employees and downstream employers; and development and implementation of employee training programs regarding hazards of chemicals and protective measures.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-05403 SCOPE AND APPLICATION. (1) This

~~(part)~~ section requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program(~~;~~) which includes; labels and other forms of warning, material safety data sheets, and information and training. In addition, this ~~(part)~~ section requires distributors to transmit the required information to employers.

(2) This ~~(part)~~ section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This ~~(part)~~ section applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees; and,

(c) Employers shall ensure that laboratory employees are apprised of the hazards of the chemicals in their workplaces in accordance with WAC 296-62-05415.

(4) ~~(This part applies to agriculture (SIC Codes 01, 02, and 07) only as follows:~~

~~(a) Employers shall ensure that each container of hazardous chemicals in the workplace is labeled in accordance with WAC 296-62-05411;~~

~~(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are accessible to agricultural employees upon request; and~~

~~(c) Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Such information and training shall be tailored to the types of hazards to which the employees will be exposed. Seasonal and temporary employees who are not exposed to hazardous chemicals in their work area need not be trained.~~

~~(i) Information. Employees shall be informed of:~~

~~(A) The requirements of this subsection;~~

~~(B) Any operations in their work area where hazardous chemicals are present; and~~

~~(C) The location and availability of material safety data sheets.~~

~~(ii) Training. Employee training shall include:~~

~~(A) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as visual appearance or odor of hazardous chemicals when being released or other methods used by the employer);~~

~~(B) The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of overexposure;~~

~~(C) The measures employees can take to protect themselves from these hazards, including procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and~~

~~(D) An explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.~~

~~(d) The provisions of WAC 296-62-05415 (3) and (4)) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this section applies to these operations only as follows:~~

~~(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;~~

~~(b) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet for sealed containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and~~

~~(c) Employers shall ensure that employees are provided with information and training in accordance with WAC 296-62-05415 to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.~~

(5) This ~~(part)~~ section does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any food, food additive, color additive, drug, ~~(or)~~ cosmetic, or medical or veterinary device, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and regulations issued under that act, when they are subject to the labeling requirements of that act and labeling regulations issued under that act by the Food and Drug Administration;

(c) Any distilled spirits (beverage alcohols), wine, or malt beverages intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms; and,

(d) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission.

(6) This ~~(part)~~ section does not apply to:

(a) Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

- (b) Tobacco or tobacco products;
 (c) Wood or wood products;
 (d) Articles;
 (e) Food, drugs, cosmetics, or alcoholic beverages in a retail establishment which are packaged for sale to consumers;
 (f) Foods, drugs, or cosmetics intended for personal consumption by employees while in the workplace;
 ((ff)) (g) Any transportation of a hazardous chemical or substance, provided such transportation is subject to regulations issued by the United States department of transportation or the Washington utilities and transportation commission; ~~((and))~~
 ((fg)) (h) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can demonstrate it is used in the workplace in the same manner as normal consumer use, and which use results in a duration and frequency of exposure which is not greater than exposures experienced by consumers(:); and
 ((f)) ~~Any distributor who makes retail sales to the general public of consumer products packaged for distribution to, and used by, the general public, shall not be required to disseminate material safety data sheets to the retail purchasers of such products.~~
 (8) ~~Where there are two or more employers at the same workplace, each employer shall be solely responsible under the provisions of WAC 296-62-054 through 296-62-05425 for his or her own employees.)~~
 (i) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (i.e., tablets or pills.)

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-05405 DEFINITIONS APPLICABLE TO THIS SECTION. (1) Article ((=)) means a manufactured item:

- (a) Which is formed to a specific shape or design during manufacture;
 (b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and
 (c) Which does not release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use.
 (2) Chemical ((=)) means any element, chemical compound or mixture of elements and/or compounds.
 (3) Chemical manufacturer ((=)) means an employer with a workplace where chemical(s) are produced for use or distribution.
 (4) Chemical name ((=)) means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.
 (5) Combustible liquid ((=)) means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.
 (6) Common name ((=)) means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.
 (7) Compressed gas means:
 (a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or
 (b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or
 (c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.
 (8) Container ((=)) means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this section, pipes or piping systems are not considered to be containers.
 (9) Designated representative ((=)) means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.
 (10) Director ((=)) means the director of the department of labor and industries or his/her designee.

(11) Distributor ((=)) means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to ~~((purchasers))~~ employers.

(12) Employee ((=)) means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this ~~((subsection))~~ section, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricultural production of crops or livestock.

(13) Employer ((=)) means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations.

(14) Explosive ((=)) means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(15) Exposure or exposed ((=)) means that an employee ~~((that))~~ is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

(16) Flammable ((=)) means a chemical that falls into one of the following categories:

(a) Aerosol flammable ((=)): An aerosol that(:) when tested by the method described in 16 CFR 1500.45(:) yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable(:);

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable ((=)): Any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture(:);

(d) Solid, flammable ((=)): A solid, other than a blasting agent or explosive as defined in WAC 296-52-030, that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(17) Flashpoint ((=)) means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester ((=)): (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester ((=)): (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester ((=)): (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified ~~((above))~~ in (a), (b), or (c) of this subsection.

(18) Foreseeable emergency ((=)) means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(19) Hazardous chemical ((=)) means any chemical which is a physical hazard or a health hazard.

(20) Hazard warning ((=)) means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the hazard(s) of the chemical(s) in the container(s).

(21) Health hazard ((=)) means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this section, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(22) Identity ((=)) means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(23) Immediate use ((=)) means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(24) Importer ((=)) means the first business within Washington which receives hazardous chemicals produced in other states or countries, for the purpose of supplying them to distributors or purchasers within Washington.

(25) Label ((=)) means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(26) Material safety data sheet (MSDS) ((=)) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(27) Mixture ((=)) means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(28) Organic peroxide ((=)) means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(29) Oxidizer ((=)) means a chemical other than a blasting agent or explosive as defined in WAC ((296-52-030)) 296-52-417, that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(30) Physical hazard ((=)) means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(31) Produce ((=)) means to manufacture, process, formulate, or repackage.

(32) Purchaser ((=)) means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(33) Pyrophoric ((=)) means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(34) Responsible party ((=)) means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(35) Specific chemical identity ((=)) means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(36) Trade secret ((=)) means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

(37) Unstable (reactive) ((=)) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(38) Use ((=)) means to package, handle, react, or transfer.

(39) Water-reactive ((=)) means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(40) Work area ((=)) means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(41) Workplace ((=)) means an establishment at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05407 HAZARD DETERMINATION. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning ((such)) physical and health hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definition(s) of health hazard(s) in this section. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, ((General)) Occupational health standards—Safety standards for carcinogens; or,

(b) Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

Note: The chemical manufacturer, importer, or employer is still responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with the requirements of the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions); or

(c) Chapter 296-62 WAC, ((General)) Occupational health standards—Safety standards for carcinogens – Part F—Carcinogens.

Note: The Registry of Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and,

(d) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less

than 0.1 percent) could be released in concentrations which would exceed an established WISHA permissible exposure limit or ACGIH threshold limit value, or could present a health hazard to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee. The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05409 WRITTEN HAZARD COMMUNICATION PROGRAM. (1) Employers shall develop ~~((and))~~, implement, and maintain at the workplace a written hazard communication program for their workplaces which at least describes how the criteria specified in WAC 296-62-05411, 296-62-05413 and 296-62-05415, for labels and other forms of warning, material safety data sheets, and employee information and training will be met, and which also includes the following:

(a) A list of the hazardous chemicals known to be present using an identity that is referenced on the appropriate material safety data sheet (the list may be compiled for the workplace as a whole or for individual work areas);

(b) The methods the employer will use to inform employees of the hazards of nonroutine tasks (for example, the cleaning of reactor vessels), and the hazards associated with chemicals contained in unlabeled pipes in their work areas~~((; and))~~;

~~((c) The methods the employer will use to inform any contractor employers with employees working at the employer's workplace of the hazardous chemicals their employees may be exposed to while performing their work, and any suggestions for appropriate protective measures.))~~ (2) Multi-employer workplaces. Employers who produce, use, or store hazardous chemicals at a workplace in such a way that the employees of other employer(s) may be exposed (for example, employees of a construction contractor working on site) shall additionally ensure that the hazard communication programs developed and implemented under this section include the following:

(a) The methods the employer will use to provide the other employer(s) with a copy of the material safety data sheet, or to make it available at a central location in the workplace, for each hazardous chemical the other employer(s) employees may be exposed to while working;

(b) The methods the employer will use to inform the other employer(s) of any precautionary measures that need to be taken to protect employees during the workplace's normal operating conditions and in foreseeable emergencies; and

(c) The methods the employer will use to inform the other employer(s) of the labeling system used in the workplace.

~~((2))~~ (3) The employer may rely on an existing hazard communication program to comply with these requirements, provided that it meets the criteria established in this section.

~~((3))~~ (4) The employer shall make the written hazard communication program available, upon request, to employees, their designated representatives, and the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-05411 LABELS AND OTHER FORMS OF WARNING. (1) The chemical manufacturer, importer, or distributor shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s);
 (b) Appropriate hazard warnings; and
 (c) Name and address of the chemical manufacturer, importer, or other responsible party.

(2) For solid metal (such as a steel beam or a metal casting) that is not exempted as an article due to its downstream use, the required label may be transmitted to the customer at the time of the initial shipment, and need not be included with subsequent shipments to the same employer unless the information on the label changes. The label may be transmitted with the initial shipment itself, or with the material safety data sheet that is to be provided prior to or at the time of the first shipment. This exception to requiring labels on every container of

hazardous chemicals is only for the solid metal itself and does not apply to hazardous chemicals used in conjunction with, or known to be present with, the metal and to which employees handling the metal may be exposed (for example, cutting fluids or lubricants.)

(3) Chemical manufacturers, importers, or distributors shall ensure that each container of hazardous chemicals leaving the workplace is labeled, tagged, or marked in accordance with this section in a manner which does not conflict with the requirements of the Hazardous Materials Transportation Act (18 U.S.C. 1801 et seq.) and regulations issued under that act by the department of transportation.

~~((3))~~ (4) If the hazardous chemical is regulated by WISHA in a substance-specific health standard, the chemical manufacturer, importer, distributor or employer shall ensure that the labels or other forms of warning used are in accordance with the requirements of that standard.

~~((4))~~ (5) Except as provided in subsection ~~((5))~~ (6) and ~~((6))~~ (7) of this section, the employer shall ensure that each container of hazardous chemicals in the workplace is labeled, tagged or marked with the following information:

(a) Identity of the hazardous chemical(s) contained therein; and
 (b) Appropriate hazard warnings.

~~((5))~~ (6) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers, as long as the alternative method identifies the containers to which it is applicable and conveys the information required by subsection ~~((4))~~ (5) of this section to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift.

~~((6))~~ (7) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

~~((7))~~ (8) The employer shall not remove or deface existing labels on incoming containers of hazardous chemicals, unless the container is immediately marked with the required information.

~~((8))~~ (9) The employer shall ensure that labels or other forms of warning are legible, in English, and prominently displayed on the container, or readily available in the work area throughout each work shift. Employers having employees who speak other languages may add the information in their language to the material presented, as long as the information is presented in English as well.

~~((9))~~ (10) The chemical manufacturer, importer, distributor or employer need not affix new labels to comply with this section if existing labels already convey the required information.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05413 MATERIAL SAFETY DATA SHEETS. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet for each hazardous chemical they produce or import. Employers shall have a material safety data sheet for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or,

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and,

(B) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established WISHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health hazard to employees; and,

(C) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet, where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and,

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6) Chemical manufacturers or importers shall ensure that distributors and ~~((purchasers of hazardous chemicals))~~ employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated. The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the ~~((purchaser))~~ employer prior to or at the time of the shipment. If the material safety data sheet is not provided with ~~((the))~~ a shipment that has been labeled as a hazardous chemical, the ~~((purchaser))~~ employer shall obtain one from the chemical manufacturer, importer, or distributor as soon as possible.

(7) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and ~~((purchasers of hazardous chemicals))~~ employers. Retail distributors which sell hazardous chemicals to commercial customers shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available. Chemical manufacturers, importers, and distributors need not provide

material safety data sheets to retail distributors which have informed them that the retail distributor does not sell the product to commercial customers or open the sealed container to use it in their own workplaces.

(8) The employer shall maintain copies of the required material safety data sheets for each hazardous chemical in the workplace, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s).

(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at a central location at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

~~((+))~~ (11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209.

~~((+))~~ (12) If a purchaser has not received a material safety data sheet within thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, Industrial Hygiene Section, P.O. Box 207, Olympia, Washington 98504. Such written request shall include:

(a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;

(b) The name of the product suspected of containing a hazardous chemical;

(c) The identification number of the product if available;

(d) A copy of the product label if available; and

(e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05415 EMPLOYEE INFORMATION AND TRAINING. Employers shall provide employees with information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new hazard is introduced into their work area. Such information and training shall be tailored to the types of hazards to which the employees will be exposed.

(1) Information. Employees shall be informed of:

(a) The requirements of this section;

(b) Any operations in their work area where hazardous chemicals are present; and,

(c) The location and availability of the written hazard communication program, including the required list(s) of hazardous chemicals, and material safety data sheets required by this section.

Note: Laboratories are not required to have a written hazard communication program, but it is recommended.

(2) Training. ~~((Employee training shall include))~~ Employees who may be exposed to a hazardous chemical(s) shall receive training which includes at least:

(a) Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);

(b) The physical and health hazards of the chemicals in the work area including the likely physical symptoms or effects of overexposure;

(c) The measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals,

such as appropriate work practices, emergency procedures, and personal protective equipment to be used; and,

(d) The details of the hazard communication program developed by the employer, including an explanation of the labeling system and the material safety data sheet, and how employees can obtain and use the appropriate hazard information.

(3) Upon receipt of a written or verbal request, the department shall prepare and make available to employers or the public a translation in Cambodian, Chinese, Korean, Spanish, or Vietnamese any of the following:

(a) An employer's written hazard communication program;

(b) A material safety data sheet; or

(c) Written materials prepared by the department to inform employees of their rights relating to hazard communication, WAC 296-62-054 through 296-62-05427.

(4) An employer employing employees who have trouble communicating in English shall make reasonable efforts to post notices in the employees' native languages as provided by the department.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05417 TRADE SECRETS. (1) The chemical manufacturer, importer or employer may withhold the specific chemical identity including the chemical name and other specific identification of a hazardous chemical, from the material safety data sheet, provided that:

(a) The claim that the information withheld is a trade secret can be supported;

(b) Information contained in the material safety data sheet concerning the properties and effects of the hazardous chemical is disclosed;

(c) The material safety data sheet indicates that the specific chemical identity is being withheld as a trade secret; and,

(d) The specific chemical identity is made available to health professionals, employees, and designated representatives, in accordance with the applicable provisions of this section.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the chemical manufacturer, importer, or employer shall immediately disclose the specific chemical identity of a trade secret chemical to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The chemical manufacturer, importer, or employer may require a written statement of need and confidentiality agreement, in accordance with the provisions of subsections (3) and (4) of this section, as soon as circumstances permit.

(3) In nonemergency situations, a chemical manufacturer, importer, or employer shall, upon request, disclose a specific chemical identity, otherwise permitted to be withheld under subsection (1) of this section, to a health professional (i.e. physician, registered nurse, industrial hygienist, toxicologist, or epidemiologist) providing medical or other occupational health services to exposed employee(s), and to employees or designated representatives, if:

(a) The request is in writing;

(b) The request describes with reasonable detail one or more of the following occupational health needs for the information:

(i) To assess the hazards of the chemicals to which employees will be exposed;

(ii) To conduct or assess sampling of the workplace atmosphere to determine employee exposure levels;

(iii) To conduct preassignment or periodic medical surveillance of exposed employees;

(iv) To provide medical treatment to exposed employees;

(v) To select or assess appropriate personal protective equipment for exposed employees;

(vi) To design or assess engineering controls or other protective measures for exposed employees; and,

(vii) To conduct studies to determine the health effects of exposure.

(c) The request explains in detail why the disclosure of the specific chemical identity is essential and that, in lieu thereof, the disclosure of the following information to the health professional, employee, or designated representatives, would not satisfy the purposes described in ~~(subdivision (3))~~(b) of this ~~(section)~~ subsection:

(i) The properties and effects of the chemical;

(ii) Measures for controlling workers' exposure to the chemical;

(iii) Methods of monitoring and analyzing worker exposure to the chemical; and,

(iv) Methods of diagnosing and treating harmful exposures to the chemical;

(d) The request includes a description of the procedures to be used to maintain the confidentiality of the disclosed information; and,

(e) The health professional, and the employer or contractor of the services of the health professional (i.e., downstream employer, labor organization, or individual employee), employee, or designated representative, agree in a written confidentiality agreement that the health professional employee, or designated representative, will not use the trade secret information for any purpose other than the health need(s) asserted and agree not to release the information under any circumstances other than to the department, as provided in subsection (6) of this section, except as authorized by the terms of the agreement or by the chemical manufacturer, importer, or employer.

(4) The confidentiality agreement authorized by ~~(subdivision (3)(d))~~ subsection (3)(e) of this section:

(a) May restrict the use of the information to the health purposes indicated in the written statement of need;

(b) May provide for appropriate legal remedies in the event of a breach of the agreement, including stipulation of a reasonable preestimate of likely damages; and,

(c) May not include requirements for the posting of a penalty bond.

(5) Nothing in this ~~(standard)~~ section is meant to preclude the parties from pursuing noncontractual remedies to the extent permitted by law.

(6) If the health professional, employee, or designated representative receiving the trade secret information decides that there is a need to disclose it to the department, the chemical manufacturer, importer, or employer who provided the information shall be informed by the health professional, employee, or designated representative prior to, or at the same time as, such disclosure.

(7) If the chemical manufacturer, importer, or employer denies a written request for disclosure of a specific chemical identity, the denial must:

(a) Be provided to the health professional, employee, or designated representative, within thirty days of the request;

(b) Be in writing;

(c) Include evidence to support the claim that the specific chemical identity is a trade secret;

(d) State the specific reasons why the request is being denied; and,

(e) Explain in detail how alternative information may satisfy the specific medical or occupational health need without revealing the specific chemical identity.

(8) The health professional, employee, or designated representative, whose request for information is denied under subsection (3) of this section may refer the request and the written denial of the request to the department for consideration.

(9) When a health professional, employee, or designated representative refers the denial to the department under subsection (8) of this section, the director or his/her designee shall consider the evidence to determine if:

(a) The chemical manufacturer, importer, or employer has supported the claim that the specific chemical identity is a trade secret;

(b) The health professional, employee, or designated representative, has supported the claim that there is a medical or occupational health need for the information; and,

(c) The health professional, employee, or designated representative, has demonstrated adequate means to protect the confidentiality.

~~(10)((a))~~ If the director or his/her designee determines that the specific chemical identity requested under subsection (3) of this section is not a bona fide trade secret, or that it is a trade secret but the requesting health professional, employee, or designated representative has a legitimate medical or occupational health need for the information, has executed a written confidentiality agreement, and has shown adequate means to protect the confidentiality of the information, the chemical manufacturer, importer, or employer will be subject to citation by the department.

~~((b))~~ (11) If a chemical manufacturer, importer, or employer demonstrates to the department that the execution of a confidentiality agreement would not provide sufficient protection against the potential harm from the unauthorized disclosure of a trade secret specific chemical identity, the director or his/her designee may issue such orders or impose such additional limitations or conditions upon the disclosure of the requested chemical information as may be appropriate to assure that the occupational health services are provided without an undue risk of harm to the chemical manufacturer, importer, or employer.

((++)) (12) If, following the issuance of a citation and any protective orders, the chemical manufacturer, importer, or employer continues to withhold the information, further action may be taken by the department in accordance with chapter 49.17 RCW.

((++)) (13) Notwithstanding the existence of a trade secret claim, a chemical manufacturer, importer, or employer shall, upon request, disclose to the director or his/her designee any information which this section requires the chemical manufacturer, importer, or employer to make available. Where there is a trade secret claim, such claim shall be made no later than at the time the information is provided to the director or his/her designee so that suitable determinations of trade secret status can be made and the necessary protections can be implemented.

((++)) (14) Nothing in this section shall be construed as requiring the disclosure under any circumstances of process or percentage of mixture information which is trade secret.

AMENDATORY SECTION (Amending Order 85-09, filed 4/19/85)

WAC 296-62-05421 APPENDIX A—HEALTH HAZARD DEFINITIONS (MANDATORY). Although safety hazards related to the physical characteristics of a chemical can be objectively defined in terms of testing requirements (e.g., flammability), health hazard definitions are less precise and more subjective. Health hazards may cause measurable changes in the body—such as decreased pulmonary function. These changes are generally indicated by the occurrence of signs and symptoms in the exposed employees—such as shortness of breath, a nonmeasurable, subjective feeling. Employees exposed to such hazards must be apprised of both the change in body function and the signs and symptoms that may occur to signal that change.

The determination of occupational health hazards is complicated by the fact that many of the effects or signs and symptoms occur commonly in nonoccupationally exposed populations, so that effects of exposure are difficult to separate from normally occurring illnesses. Occasionally, a substance causes an effect that is rarely seen in the population at large, such as angiosarcomas caused by vinyl chloride exposure, thus making it easier to ascertain that the occupational exposure was the primary causative factor. More often, however, the effects are common, such as lung cancer. The situation is further complicated by the fact that most chemicals have not been adequately tested to determine their health hazard potential, and data do not exist to substantiate these effects.

There have been many attempts to categorize effects and to define them in various ways. Generally, the terms "acute" and "chronic" are used to delineate between effects on the basis of severity or duration. "Acute" effects usually occur rapidly as a result of short-term exposures, and are of short duration. "Chronic" effects generally occur as a result of long-term exposure, and are of long duration.

The acute effects referred to most frequently are those defined by the American National Standards Institute (ANSI) standard for Precautionary Labeling of Hazardous Industrial Chemicals (Z129.1-1982) — irritation, corrosivity, sensitization and lethal dose. Although these are important health effects, they do not adequately cover the considerable range of acute effects which may occur as a result of occupational exposure, such as, for example, narcosis.

Similarly, the term chronic effect is often used to cover only carcinogenicity, teratogenicity, and mutagenicity. These effects are obviously a concern in the workplace, but again, do not adequately cover the area of chronic effects, excluding, for example, blood dyscrasias (such as anemia), chronic bronchitis and liver atrophy.

The goal of defining precisely, in measurable terms, every possible health effect that may occur in the workplace as a result of chemical exposures cannot realistically be accomplished. This does not negate the need for employees to be informed of such effects and protected from them.

Appendix B, which is also mandatory, outlines the principles and procedures of hazard assessment.

For purposes of this section, health hazards include but are not limited to any chemicals which meet any of the following definitions, as determined by the criteria set forth in Appendix B (are health hazards):

(1) Carcinogen. A chemical is considered to be a carcinogen if:

(a) It has been evaluated by the International Agency for Research on Cancer (IARC), and found to be a carcinogen or potential carcinogen; or

(b) It is listed as a carcinogen or potential carcinogen in the Annual Report on Carcinogens published by the National Toxicology Program (NTP) (latest edition); or,

(c) It is regulated by WISHA as a carcinogen.

(2) Corrosive. A chemical that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. For example, a chemical is considered to be corrosive if, when tested on the intact skin of albino rabbits by the method described by the U.S. Department of Transportation in Appendix A to 49 CFR Part 173, it destroys or changes irreversibly the structure of the tissue at the site of contact following an exposure period of four hours. This term shall not refer to action on inanimate surfaces.

(3) Highly toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD₅₀) of 50 milligrams or less per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD₅₀) of 200 milligrams or less per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC₅₀) in air of 200 parts per million by volume or less of gas or vapor, or 2 milligrams per liter or less of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(4) Irritant. A chemical, which is not corrosive, but which causes a reversible inflammatory effect on living tissue by chemical action at the site of contact. A chemical is a skin irritant if, when tested on the intact skin of albino rabbits by the methods of 16 CFR 1500.41 for four hours exposure or by other appropriate techniques, it results in an empirical score of five or more. A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques.

(5) Sensitizer. A chemical that causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure to the chemical.

(6) Toxic. A chemical falling within any of the following categories:

(a) A chemical that has a median lethal dose (LD₅₀) of more than 50 milligrams per kilogram but not more than 500 milligrams per kilogram of body weight when administered orally to albino rats weighing between 200 and 300 grams each.

(b) A chemical that has a median lethal dose (LD₅₀) of more than 200 milligrams per kilogram but not more than 1,000 milligrams per kilogram of body weight when administered by continuous contact for 24 hours (or less if death occurs within 24 hours) with the bare skin of albino rabbits weighing between two and three kilograms each.

(c) A chemical that has a median lethal concentration (LC₅₀) in air of more than 200 parts per million but not more than 2,000 parts per million by volume of gas or vapor, or more than two milligrams per liter but not more than 20 milligrams per liter of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 and 300 grams each.

(7) Target organ effects. The following is a target organ categorization of effects which may occur, including examples of signs and symptoms and chemicals which have been found to cause such effects. These examples are presented to illustrate the range and diversity of effects and hazards found in the workplace, and the broad scope employers must consider in this area, but are not intended to be all-inclusive.

(a) Hepatotoxins:	Chemicals which produce liver damage.
Signs & symptoms:	Jaundice, liver enlargement
Chemicals:	Carbon tetrachloride, nitrosamines.
(b) Nephrotoxins:	Chemicals which produce kidney damage.
Signs & symptoms:	Edema; proteinuria
Chemicals:	Halogenated hydrocarbons; uranium.
(c) Neurotoxins:	Chemicals which produce their primary toxic effects on the nervous system.
Signs & symptoms:	Narcosis; behavioral changes; decrease in motor functions.
Chemicals:	Mercury, carbon disulfide.

- | | |
|---|--|
| (d) Agents which act on the blood or hematopoietic system:
Signs & symptoms:
Chemicals: | Decrease hemoglobin function; deprive the body tissues of oxygen.
Cyanosis; loss of consciousness
Carbon monoxide; cyanides. |
| (e) Agents which damage the lung:

Signs & symptoms:

Chemicals: | Chemicals which irritate or damage the pulmonary tissue.
Cough; tightness in chest; shortness of breath.
Silica; asbestos. |
| (f) Reproductive toxins:

Signs & symptoms:
Chemicals: | Chemicals which affect the reproductive capabilities including chromosomal damage (mutations) and effects on fetuses (teratogenesis).
Birth defects; sterility
Lead; DBCP. |
| (g) Cutaneous hazards:

Signs & symptoms:

Chemicals: | Chemicals which affect the dermal layer of the body.
Defatting of the skin; rashes; irritation
Ketones; chlorinated compounds. |
| (h) Eye hazards:

Signs & symptoms:
Chemicals: | Chemicals which affect the eye or visual capacity.
Conjunctivitis; corneal damage.
Organic solvents; acids. |

AMENDATORY SECTION (Amending Order 84-14, filed 6/7/84)

WAC 296-62-05423 APPENDIX B—HAZARD DETERMINATION (MANDATORY). The quality of a hazard communication program is largely dependent upon the adequacy and accuracy of the hazard determination. The hazard determination requirement of this standard is performance-oriented. Chemical manufacturers, importers, and employers evaluating chemicals are not required to follow any specific methods for determining hazards, but they must be able to demonstrate that they have adequately ascertained the hazards of the chemicals produced or imported in accordance with the criteria set forth in this appendix.

Hazard evaluation is a process which relies heavily on the professional judgment of the evaluator, particularly in the area of chronic hazards. The performance-orientation of the hazard determination does not diminish the duty of the chemical manufacturer, importer or employer to conduct a thorough evaluation, examining all relevant data and producing a scientifically defensible evaluation. For purposes of this standard, the following criteria shall be used in making hazard determinations that meet the requirements of this standard.

(1) Carcinogenicity. As described in ((paragraph (d)(4))) WAC 296-62-05407(4) and Appendix A of this section, a determination by the National Toxicology Program, the International Agency for Research on Cancer, or WISHA that a chemical is a carcinogen or potential carcinogen will be considered conclusive evidence for purposes of this section.

(2) Human data. Where available, epidemiological studies and case reports of adverse health effects shall be considered in the evaluation.

(3) Animal data. Human evidence of health effects in exposed populations is generally not available for the majority of chemicals produced or used in the workplace. Therefore, the available results of toxicological testing in animal populations shall be used to predict the health effects that may be experienced by exposed workers. In particular, the definitions of certain acute hazards refer to specific animal testing results (see Appendix A).

(4) Adequacy and reporting of data. The results of any studies which are designed and conducted according to established scientific principles, and which report statistically significant conclusions regarding the health effects of a chemical, shall be a sufficient basis for a hazard determination and reported on any material safety data sheet.

The chemical manufacturer, importer, or employer may also report the results of other scientifically valid studies which tend to refute the findings of hazard.

AMENDATORY SECTION (Amending Order 86-22, filed 5/22/86)

WAC 296-62-05425 APPENDIX C—INFORMATION SOURCES (ADVISORY). The following is a list of available data sources which the chemical manufacturer, importer, or employer may

wish to consult to evaluate the hazards of chemicals they produce or import:

- (1) Any information in their own company files such as toxicity testing results or illness experience of company employees.
- (2) Any information obtained from the supplier of the chemical, such as material safety data sheets or product safety bulletins.
- (3) Any pertinent information obtained from the following source list (latest editions should be used):

Condensed Chemical Dictionary
Van Nostrand Reinhold Co.
135 West 50th Street
New York, NY 10020

The Merck Index: An Encyclopedia of Chemicals and Drugs
Merck and Company, Inc.
126 E. Lincoln Avenue
Rahway, NJ 07065

IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Man
Geneva: World Health Organization
International Agency for Research on Cancer, 1972-1977
Present (Multivolume work) Summaries are available in supplemental volumes.
49 Sheridan Street
Albany, New York

Industrial Hygiene and Toxicology, by F.A. Patty
John Wiley & Sons, Inc.
New York, NY
(Five volumes)

Clinical Toxicology of Commercial Products
Gleason, Gosselin and Hodge

Casarett and Doull's Toxicology: The Basic Science of Poisons
Doull, Klaassen, and Amdur
Macmillan Publishing Co., Inc.
New York, NY

Industrial Toxicology, by Alice Hamilton and Harriet L. Hardy
Publishing Sciences Group, Inc.
Acton, MA

Toxicology of the Eye, by W. Morton Grant
Charles C. Thomas
301-327 East Lawrence Avenue
Springfield, IL

Recognition of Health Hazards in Industry
William A. Burgess
John Wiley and Sons
605 Third Avenue
New York, NY 10158

Chemical Hazards of the Workplace
Nick H. Proctor and James P. Hughes
J.P. Lipincott Company
6 Winchester Terrace
New York, NY 10022

Handbook of Chemistry and Physics
Chemical Rubber Company
18901 Cranwood Parkway
Cleveland, OH 44128

Threshold Limit Values for Chemical Substances and Physical Agents in the ((Workroom)) Work Environment and Biological Exposure Indices with Intended Changes
American Conference of Governmental Industrial Hygienists
6500 Glenway Avenue, Bldg. D-5
Cincinnati, OH 45211

Note: Information on the physical hazards of chemicals may be found in publication's of the National Fire Protection Association, Boston, MA.

National Toxicology Program (NTP) Annual Report on Carcinogens (Latest Edition)
National Technical Information Service (NTIS)
5285 Port Royal Road
Springfield, VA 22101

Note: The following documents ((are on sale by)) may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Occupational Health Guidelines
NIOSH/OSHA (NIOSH Pub. No. 81-123)

NIOSH((/OSHA)) Pocket Guide to Chemical Hazards
NIOSH Pub. NO. ((78-210)) 85-14

Registry of Toxic Effects of Chemical Substances
 ((U.S. Department of Health and Human Services
 Public Health Service
 Center for Disease Control
 National Institute for Occupational Safety and Health))
 ((t)NIOSH Pub. No. 80-102(t))

The Industrial Environment - Its Evaluation and Control
 U.S. Department of Health and Human Services
 Public Health Service
 Center for Disease Control
 National Institute for Occupational Safety and Health
 (NIOSH Pub. No. 74-117))

Miscellaneous Documents ((-)) published by the National Institute
 for Occupational Safety and Health

- (1) Criteria ((for a recommended standard...
 Occupational Exposure to "-----") documents
- (2) Special Hazard Reviews
- (3) Occupational Hazard Assessment
- (4) Current Intelligence Bulletins
- (5) WISHA's Occupational Health standards—Safety standards for
 carcinogens, chapter 296-62 WAC - Part F—Carcinogens.

Service Provider
Bibliographic Retrieval
Services (BRS),
1200 Route 7,
Latham, NY 12110.

Lockheed - DIALOG
Information Service, Inc.,
3460 Hill View Avenue,
Palo Alto, CA 94304.

SDC - Orbit, SDC
Information Service,
2500 Colorado Avenue,
Santa Monica, CA 90406.

National Library of Medicine,
Department of Health and
Human Services, Public
Health Service, National
Institutes of Health,
Bethesda, MD 20209.

Pergamon International
Information Corp.,
1340 Old Chain Bridge, Rd.,
McLean, VA 22101.

Questel, Inc.,
1625 Eye Street, NW,
Suite 818,
Washington, DC 20006.

Chemical Information System
ICI (ICIS), Bureau of
National Affairs,
1133 15th Street, NW,
Suite 300,
Washington, DC 20005.

Occupational Health
Services,
400 Plaza Drive,
Secaucus, NJ 07094.

File Name
Biosis Previews
CA Search
Medlars
NTIS
Hazardline
American Chemical Society
Journal
Excerpta Medica
IRCS Medical Science
Journal
Pre-Med
Intl. Pharmaceutical
Abstracts
Paper Chem
Biosis Prev. Files
CA Search Files
CAB Abstracts
Chemical Exposure
Chemname
Chemsis Files
Chemzero
Embase Files
Environmental Bibliographies
Enviroline
Federal Research in
Progress
IRL Life Science Collection
NTIS
Occupational Safety and
Health (NIOSH)
Paper Chem

CAS Files
Chemdex, 2,3
NTIS

Hazardous Substances Data
Bank (NSDB)
Medline Files
Toxline Files
Cancerlit
RTECS
Chemlin

Laboratory Hazard Bulletin

CIS/ILO
Cancernet

Structure and Nomenclature
Search System (SANSS)
Acute Toxicity (RTECS)
Clinical Toxicology of
Commercial Products
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<u>Bethesda, MD 20209))</u>	

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-304-06013 HEALTH AND SANITATION. (1) No chemical product, such as a solvent or preservative; no structural material, such as cadmium or zinc coated steel, or plastic material; and no process material, such as welding filler metal; which is a hazardous material within the meaning of WAC 296-304-01001(19), shall be used until the employer has ascertained the potential fire, toxic, or reactivity hazards which are likely to be encountered in the handling, application, or utilization of such a material.

(2) In order to ascertain the hazards, as required by subsection (1) of this section, the employer shall obtain the following items of information which are applicable to a specific product or material to be used:

(a) The name, address, and telephone number of the source of the information specified in this section preferably those of the manufacturer of the product or material.

(b) The trade name and synonyms for a mixture of chemicals, a basic structural material, or for a process material; and the chemical name and synonyms, chemical family, and formula for a single chemical.

(c) Chemical names of hazardous ingredients, including, but not limited to, those in mixtures, such as those in: (i) Paints, preservatives, and solvents; (ii) alloys, metallic coatings, filler metals and their coatings or core fluxes; and (iii) other liquids, solids, or gases (e.g., abrasive materials).

(d) An indication of the percentage, by weight or volume, which each ingredient of a mixture bears to the whole mixture, and of the threshold limit value of each ingredient, in appropriate units.

(e) Physical data about a single chemical or a mixture of chemicals, including boiling point, in degrees Fahrenheit; vapor pressure, in millimeters of mercury; vapor density of gas or vapor (air=1); solubility in water, in percent by weight; specific gravity of material (water=1); percentage volatile, by volume, at 70°F.; evaporation rate for liquids (either butyl acetate or ether may be taken as 1); and appearance and odor.

(f) Fire and explosion hazard data about a single chemical or a mixture of chemicals, including flashpoint, in degrees Fahrenheit; flammable limits, in percent by volume in air; suitable extinguishing media or agents; special fire fighting procedures; and unusual fire and explosion hazard information.

(g) Health hazard data, including threshold limit value, in appropriate units, for a single hazardous chemical or for the individual hazardous ingredients of a mixture as appropriate, effects of overexposure; and emergency and first aid procedures.

(h) Reactivity data, including stability, incompatibility, hazardous decomposition products, and hazardous polymerization.

(i) Procedures to be followed and precautions to be taken in cleaning up and disposing of materials leaked or spilled.

(j) Special protection information, including use of personal protective equipment, such as respirators, eye protection, and protective clothing, and of ventilation, such as local exhaust, general, special, or other types.

(k) Special precautionary information about handling and storing.

(l) Any other general precautionary information.

(3) The pertinent information required by subsection (2) of this section shall be recorded either on ~~((U.S.))~~ United States Department of Labor Form LSB 00S-4, Material Safety Data Sheet, or on an essentially similar form which has been approved by the department of labor and industries. Copies of Form LSB 00S-4 may be obtained at any of the following regional offices of the occupational safety and health administration:

(a) Pacific region. (Arizona, California, Hawaii, and Nevada.)

~~((#))~~ 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, Calif. 94102.

~~((#))~~ (b) Region X, OSHA, ((U.S. Dept. of Labor)) (Alaska, Washington, Idaho, and Oregon), Federal Office Building, 909 First Avenue, Seattle, Washington 98174 ((Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington)).

~~((#))~~ A completed MSDS form shall be preserved and available for inspection for ~~((a period of 3 months from the date of the completion of the job))~~ each hazardous chemical on the worksite.

(4) The employer shall instruct employees who will be exposed to the hazardous materials as to the nature of the hazards and the means of avoiding them.

(5) The employer shall provide all necessary controls, and the employees shall be protected by suitable personal protective equipment against the hazards identified under subsection (1) of this section and those hazards for which specific precautions are required in WAC 296-304-020 through 296-304-04013.

(6) The employer shall provide adequate washing facilities for employees engaged in the application of paints or coatings or in other operations where contaminants can, by ingestion or absorption, be detrimental to the health of the employees. The employer shall encourage good personal hygiene practices by informing the employees of the need for removing surface contaminants by thorough washing of hands and face prior to eating or smoking.

(7) The employer shall not permit eating or smoking in areas undergoing surface preparation or preservation or where shiprepairing, shipbuilding, or shipbreaking operations produce atmospheric contamination.

(8) The employer shall not permit employees to work in the immediate vicinity of uncovered garbage and shall ensure that employees working beneath or on the outboard side of a vessel are not subject to contamination by drainage or waste from overboard discharges.

(9) Requirements of WAC 296-62-054 et seq., will apply to shiprepairing, shipbuilding, and shipbreaking when potential hazards of chemicals and communicating information concerning hazards and appropriate protective equipment is applicable to an operation.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-085 FIRE PROTECTION AND IGNITION SOURCES. (1) Portable fire extinguishers shall be constructed, tested, maintained and used in accordance with the recommendations specified by the National Fire Protection Association's No. 10A-1970.

Note: The supplier of the extinguisher or local fire official can furnish this information.

(2) Fire extinguishing equipment suitable for use for the type or types of fire which could be expected in an area shall be provided and shall be available at all times. ~~((See attached diagram, page 8-1-))~~

(3) Each person who is expected to use fire extinguishing equipment shall be instructed as to its proper use.

(4) Employees shall be instructed on procedures to be followed in case of fire.

(5) Areas where fire or explosion hazards exist shall be posted with NO SMOKING or other suitable signs which warn of such hazards.

(6) Vaporizing type extinguishers shall not be used.

KNOW YOUR FIRE EXTINGUISHERS

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	CARTRIDGE OPERATED	WATER PUMP TANK	SODA ACID	FOAM	CO ₂	SODIUM OR POTASSIUM BICARBONATE	STORED PRESSURE	STONED PRESSURE	CARTRIDGE OPERATED
CLASS A FIRES <small>WOOD, PAPER, TRASH HAVING GLOWING EMBERS</small> 	YES	YES	YES	YES	YES	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	YES	YES
CLASS B FIRES <small>FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC.</small> 	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES <small>ELECTRICAL EQUIPMENT</small> 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES <small>COMBUSTIBLE METALS</small> 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN - SQUEEZE HANDLE	TURN UPSIDE DOWN AND BLAMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN - SQUEEZE LEVER	RUPTURE CARTRIDGE SQUEEZE LEVER	PULL PIN - SQUEEZE HANDLE	PULL PIN - SQUEEZE HANDLE	RUPTURE CARTRIDGE - SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE AND ADD WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY - RECHARGE	DISCHARGE ANNUALLY - RECHARGE	WEIGH SEMI-ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE - CHECK CONDITION OF DRY CHEMICAL ANNUALLY

Note: The above department of labor and industries chart on special extinguishing agents approved by recognized testing laboratories is set forth as filed in the office of the code reviser. It is available for inspection in the code reviser's office as well as the department of labor and industries.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-090 STORAGE AND HANDLING OF ANHYDROUS AMMONIA. (1) Any agricultural employer or employee who transports or applies anhydrous ammonia shall obtain and comply with the anhydrous ammonia safety rules (WAC 296-24-51019 through 296-24-51021). These may be obtained from the department of labor and industries, division of industrial safety and health.

- (2) Gloves and goggles and/or a face shield shall be used by all employees while working on or with charged anhydrous ammonia equipment.
- (3) Equipment shall be inspected before each day's work. Conditions that would contribute to accidental leakage shall be corrected.
- (4) Hose end-valves must be in a closed position when not in use to prevent accidental discharge in case the main valve is opened.
- (5) Five gallons or more of clean water must be provided on the equipment.
- (6) Relief and vapor valves shall be positioned to discharge away from operator's working position.

KNOW YOUR FIRE EXTINGUISHERS

CLASS OF FIRE	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	STORED PRESSURE	WATER PUMP TANK	SODA ACID	WATER PUMP TANK			SODIUM OR POTASSIUM CARBONATE	MULTI-PURPOSE ABC	WATER PUMP TANK	WATER PUMP TANK
CLASS A FIRES WOOD, PAPER, TRASH, HAY, LEAVES, EMBERS	YES	YES	YES	YES	YES	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	NO <small>(BUT WILL CONTROL SMALL SURFACE FIRES)</small>	YES	YES
CLASS B FIRES FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC.	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHOD OF OPERATION	PULL PIN-SQUEEZE HANDLE	TURN UPSIDE DOWN AND BUMP	PUMP HANDLE	TURN UPSIDE DOWN	TURN UPSIDE DOWN	PULL PIN-SQUEEZE LEVER	RUPTURE CARTRIDGE-SQUEEZE LEVER	PULL PIN-SQUEEZE LEVER	PULL PIN-SQUEEZE HANDLE	RUPTURE CARTRIDGE-SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE AND ADD WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY-RECHARGE	DISCHARGE ANNUALLY-RECHARGE	WEIGH SEMI-ANNUALLY	WEIGH GAS CARTRIDGE-CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE-CHECK CONDITION OF DRY CHEMICAL ANNUALLY

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60001 SCOPE AND APPLICABILITY. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries, division of industrial safety and health.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24 and 296-62 WAC are applicable to all longshore, stevedore and related waterfront operations; PROVIDED, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24 and 296-62 WAC. Specific standards which are applicable include, but are not limited to:

- (a) Electrical—WAC 296-24-956 through 296-24-960.
- (b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.
- (c) Hearing conservation—WAC 296-62-09015 through 296-62-09055.
- (d) Standards for commercial diving operations—Chapter 296-37 WAC.
- (e) Safety requirements for scaffolding—WAC 296-24-825 through 296-24-82545.
- (f) Safe practices of abrasive blasting operations, ventilation—WAC 296-24-675 through 296-24-67519.
- (g) Access to employee exposure and medical records—WAC 296-62-052 through 296-62-05221.
- (h) Respiratory protection—WAC 296-62-071 through 296-62-07121.

(i) Safety rules for grain elevator operations—Chapter 296-88 WAC.

(j) Hazard communication—WAC 296-62-054 through ((296-62-05425)) 296-62-05427.

(k) Asbestos—WAC 296-62-07517.

(l) Confined space—WAC 296-62-145 through 296-62-14529.

(4) The provisions of this chapter do not apply to the following:

- (a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.
- (b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60081 **MULTIPIECE AND SINGLE PIECE RIM WHEELS.** ((1) Scope. This section applies to the servicing of vehicle wheels containing tube-type tires mounted on multipiece rims.

(2) Definition. "Multipiece rim" means a vehicle wheel rim consisting of two or more parts, one of which is a (side) locking ring designed to hold the tire on the rim by tension on interlocking components when the tire is inflated, regardless of the relative sizes of the component parts:

(3) Employee training:

(a) The employer shall ensure that only employees trained in the procedures required in subsection (4) of this section who have demonstrated their ability to service multipiece rim wheels shall be assigned such duties:

(b) The employer shall ensure that each employee demonstrates his ability to service multipiece rim wheels, including performance of the following tasks:

- (i) Fire demounting (including deflation);
- (ii) Inspection of wheel components;
- (iii) Mounting of tires;
- (iv) Inflation of tires, including use of a restraining device;
- (v) Handling of wheels;
- (vi) Inflation of tires when a wheel is mounted on the vehicle; and
- (vii) Installation and removal of wheels.

(4) Servicing procedures. The employer shall ensure that the following procedures are followed:

(a) Tires shall be completely deflated by removal of the valve core before demounting;

(b) The valve core shall be removed before the wheel is removed from the axle when:

(i) The tire has been operated underinflated at eighty percent or less of its recommended pressure; or

(ii) There is discernible or suspected damage to the tire or wheel components;

(c) Mating surfaces shall be free of dirt, surface rust, scale and rubber build-up before mounting;

(d) Rubber lubricant shall be applied to bead and rim mating surfaces upon wheel assembly and inflation of the tire;

(e) Air pressure shall not exceed 3 psig (0.21 kg/cm²) when seating the locking ring or rounding out the tube when a tire is being partially inflated without a restraining device;

(f) While the tire is pressurized, components shall not be struck or forced to correct the seating of side or lock rings;

(g) There shall not be any contact between an employee or unit of equipment and a restraining device during tire inflation;

(h) After inflation, tires, rims, and rings shall be inspected while within the restraining device to ensure seating and locking. If adjustment is necessary the tire shall first be deflated by valve core removal; and

(i) Before assembly, wheel components shall be inspected, and damaged rim components shall not be re-used.

(5) Charts and manuals:

(a) The employer shall provide a chart containing, at a minimum, the instructions and information provided in the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publication "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multipiece Rim Wheel Matching Chart," and pertinent to the type of multipiece rim wheels being serviced. The chart shall be available in the terminal's service area.

(b) A current rim manual containing the manufacturer's instructions for mounting, demounting, maintenance and safety precautions relating to the multipiece rim wheels being serviced shall be available in the terminal's service area.

(6) Restraining devices:

(a) Except as otherwise noted, inflation shall be done within a restraining device such as a cage, rack or other device capable of withstanding the maximum force that would be transferred to it during an explosive wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the wheels being serviced. The restraining device shall be capable of preventing rim components from being thrown outside the frame of the device for any wheel position within the device. When the wheel assembly is mounted on a vehicle, tires may be inflated without a restraining device only if they have more than eighty percent of the recommended pressure and if remote control inflation equipment is used and employees are clear of the danger area.

(b) Restraining devices shall be kept in good repair and be capable of preventing rim components from being thrown outside the device.

(7) Inflation hoses. Inflation hoses shall have a manual clip on chuck with sufficient hose to permit an employee to be clear of the danger zone. An in-line, manually operated valve with gauge or a preset pressure regulator shall be used to inflate tires.

(8) Other equipment:

(a) Only tools recommended in the rim manual for the type of wheel being serviced shall be used to service multipiece rim wheels.

(b) Wheel components shall not be interchanged except as provided in the applicable chart or manual. Servicing of multipiece and single-piece rim wheels in marine terminal and other maritime work locations on large vehicles is regulated by requirements of WAC 296-24-21701.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-56-60249 PETROLEUM DOCKS. (1) Pipe lines which transport petroleum liquids from or to a wharf shall be equipped with valves on shore, so located as to be readily accessible and not endangered by fire on the wharf.

(2) Drip pans, buckets, or other means shall be provided and shall be used to prevent oil spillage upon wharves during loading, disconnecting and draining hoses. After transfer is completed the contents of drip pans and buckets shall be removed and taken to a place of disposal.

(3) Package goods, freight or ship stores shall not be swing-loaded or (~~discharged~~) unloaded during the bulk handling of oils or other flammable liquids in such a manner that the swing-loads will endanger the hose.

(4) Water lights for use at petroleum wharves shall be a type which does not create a source of ignition.

AMENDATORY SECTION (Amending Order 84-18, filed 8/21/84)

WAC 296-24-21701 SCOPE. (1) This section applies to the servicing of multi-piece and single-piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to the servicing of rim wheels used on automobiles, or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT."

(2) This section does not apply to employers and places of employment regulated under the Construction safety standards, chapter 296-155 WAC (~~or Agriculture standards, chapter 296-306 WAC, or the Maritime standards, chapter 296-56 WAC~~).

(3) All provisions of this section apply to the servicing of both single-piece rim wheels and multi-piece rim wheels unless designated otherwise.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-14541 APPENDIX D—PULMONARY FUNCTION STANDARDS FOR COTTON DUST STANDARD. The spirometric measurements of pulmonary function shall conform to the following minimum standards, and these standards are not intended to preclude additional testing or alternate methods which can be determined to be superior.

(1) APPARATUS

(a) The instrument shall be accurate to within ± 50 milliliters or within ± 3 percent of reading, whichever is greater.

(b) The instrument should be capable of measuring vital capacity from 0 to 7 liters BTPS.

(c) The instrument shall have a low inertia and offer low resistance to airflow such that the resistance to airflow at 12 liters per second must be less than 1.5 cm. H₂O/liter/sec.

(d) The zero time point for the purpose of timing the FEV₁ shall be determined by extrapolating the steepest portion of the volume time curve back to the maximal inspiration volume (1, 2, 3, 4) or by an equivalent method.

(e) Instruments incorporating measurements of airflow to determine volume shall conform to the same volume accuracy stated in (a) of this subsection when presented with flow rates from at least 0 to 12 liters per second.

(f) The instrument or user of the instrument must have means of correcting volumes to a body temperature saturated with water vapor (BTPS) under conditions of varying ambient spirometer temperatures and barometric pressures.

(g) The instrument used shall provide a tracing or display of either flow versus volume or volume versus time during the entire forced expiration. A tracing or display is necessary to determine whether the patient has performed the test properly. The tracing must be stored and available for recall and must be of sufficient size that hand measurements may be made within requirement of ((paragraph)) (a) of this subsection. If a paper record is made it must have a paper speed of at least 2 cm/sec and a volume sensitivity of at least 10.0 mm of chart per liter of volume.

(h) The instrument shall be capable of accumulating volume for a minimum of ten seconds and shall not stop accumulating volume before (i) the volume change for a 0.5 second interval is less than 25 milliliters or (ii) the flow is less than 50 milliliters per second for a 0.5 second interval.

(i) The forced vital capacity (FVC) and forced ((inspiratory)) expiratory volume in 1 second ((FEV_{1.0})) FEV_{1.0} measurements shall comply with the accuracy requirements stated in ((paragraph)) (a) of this subsection. That is, they should be accurately measured to within ± 50 ml or within ± 3 percent of reading, whichever is greater.

(j) The instrument must be capable of being calibrated in the field with respect to the FEV₁ and FVC. This calibration of the FEV₁ and FVC may be either directly or indirectly through volume and time base measurements. The volume calibration source should provide a volume displacement of at least 2 liters and should be accurate to within ± 30 milliliters.

(2) TECHNIQUE FOR MEASUREMENT OF FORCED VITAL CAPACITY MANEUVER.

(a) Use of a nose clip is recommended but not required. The procedures shall be explained in simple terms to the patient who shall be instructed to loosen any tight clothing and stand in front of the apparatus. The subject may sit, but care should be taken on repeat testing that same position be used and, if possible, the same spirometer. Particular attention shall be given to insure that the chin is slightly elevated with the neck slightly extended. The patient shall be instructed to make a full inspiration from a normal breathing pattern and then blow into the apparatus, without interruption, as hard, fast, and completely as possible. At least three forced expirations shall be carried out. During the maneuvers, the patient shall be observed for compliance with instructions. The expirations shall be checked visually for reproducibility from flow-volume or volume-time tracings or displays. The following efforts shall be judged unacceptable when the patient:

- (i) Has not reached full inspiration preceding the forced expiration,
- (ii) Has not used maximal effort during the entire forced expiration,
- (iii) Has not continued the expiration for at least 5 seconds or until an obvious plateau in the volume time curve has occurred,
- (iv) Has coughed or closed his glottis,
- (v) Has an obstructed mouthpiece or a leak around the mouthpiece (obstruction due to tongue being placed in front of mouthpiece, false teeth falling in front of mouthpiece, etc.),
- (vi) Has an unsatisfactory start of expiration, one characterized by excessive hesitation (or false starts), and therefore not allowing back extrapolation of time 0 (extrapolated volume on the volume time tracing must be less than 10 percent of the FVC),
- (vii) Has an excessive variability between the three acceptable curves. The variation between the two largest FVC's and FEV₁'s of the three satisfactory tracings should not exceed 10 percent or \pm 100 milliliters, whichever is greater.

(b) Periodic and routine recalibration of the instrument or method for recording FVC and FEV_{1,0} should be performed using a syringe or other volume source of at least 2 liters.

(3) INTERPRETATION OF SPIROGRAM.

(a) The first step in evaluating a spirogram should be to determine whether or not the patient has performed the test properly or as described in subsection (2) of this section. From the three satisfactory tracings, the forced vital capacity (FVC) and forced expiratory volume in 1 second (FEV_{1,0}) shall be measured and recorded. The largest observed FVC and largest observed FEV_{1,0} shall be used in the analysis regardless of the curve(s) on which they occur.

(b) The following guidelines are recommended by NIOSH for the evaluation and management of workers exposed to cotton dust. It is important to note that employees who show reductions in FEV₁/FVC ratio below .75 or drops in Monday FEV₁ of 5 percent or greater on their initial screening exam, should be reevaluated within a month of the first exam. Those who show consistent decrease in lung function, as shown on the following table, should be managed as recommended.

(4) QUALIFICATIONS OF PERSONNEL ADMINISTERING THE TEST.

Technicians who perform pulmonary function testing should have the basic knowledge required to produce meaningful results. Training consisting of approximately 16 hours of formal instruction should cover the following areas.

- (a) Basic physiology of the forced vital capacity maneuver and the determinants of airflow limitation with emphasis on the relation to reproducibility of results.
- (b) Instrumentation requirements including calibration procedures, sources of error and their correction.
- (c) Performance of the testing including subject coaching, recognition of improperly performed maneuvers and corrective actions.
- (d) Data quality with emphasis on reproducibility.
- (e) Actual use of the equipment under supervised conditions.
- (f) Measurement of tracings and calculations of results.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-155-160 GASES, VAPORS, FUMES, DUSTS, AND MISTS. (1) Exposure of employees to inhalation, ingestion, skin absorption, or contact with any material or substance at a concentration above those specified in the general occupational health standards, WAC 296-62-07515 shall be avoided.

(2) To achieve compliance with subsection (1) of this section, administrative or engineering controls must first be implemented whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or other protective measures shall be

used to keep the exposure of employees to air contaminants within the limits prescribed in WAC 296-62-07515. Any equipment and technical measures used for this purpose must first be approved for each particular use by a competent industrial hygienist or other technically qualified person. Whenever respirators are used, their use shall comply with WAC 296-155-220.

(3) Whenever internal combustion equipment exhausts in enclosed spaces, tests shall be made and recorded to ensure that employees are not exposed to unsafe concentrations of toxic gases or oxygen deficient atmospheres. See chapter 296-62 WAC, the general occupational health standards.

(4) Whenever any employee is exposed to asbestos, the provisions of the general occupational health standards, chapter 296-62 WAC shall apply.

(5) Subsections (1) and (2) of this section do not apply to the exposure of employees to formaldehyde. Whenever any employee is exposed to formaldehyde, the requirements of WAC 296-62-07530 shall apply.

NEW SECTION

WAC 296-62-07540 FORMALDEHYDE. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his authorized representative: PROVIDED, HOWEVER, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provision of WAC 296-24-006 shall apply.

(c) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(d) "Director" means the director of the department of labor and industries, or his designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds one part formaldehyde per million parts of air (1 ppm) as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.**(a) General.**

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exceptions.

(A) The employer need not initiate exposure monitoring unless there is a formaldehyde hazard as defined in subsection (13) of this section or there are employee health complaints possibly associated with formaldehyde exposure.

(B) Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document

with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

**DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY**

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. Where respiratory protection is required, the employer shall provide the respirators at no cost to the employee and shall assure that they are properly used. The respirators shall comply with the requirements of this standard and shall reduce the concentration of formaldehyde inhaled by the employee to at or below both the TWA and the STEL. Respirators shall be used in the following circumstances:

(i) During the interval necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) The appropriate respirators as specified in Table 1 shall be selected from those approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) The employer shall make available a powered air-purifying respirator, meeting the specifications in Table 1, to any employee who experiences difficulty wearing a negative-pressure respirator to reduce exposure to formaldehyde.

(c) Respirator usage.

(i) Whenever respirator use is required by this standard, the employer shall institute a respiratory protection program in accordance with WAC 296-62-07109, 296-62-07111, 296-62-07115, and 296-62-07117.

(ii) The employer shall perform either quantitative or qualitative face fit tests in accordance with the procedures outlined in Appendix E at the time of initial fitting and at least annually thereafter for all employees required by this standard to wear negative-pressure respirators.

(A) Respirators selected shall be from those exhibiting the best facepiece fit.

(B) No respirator shall be chosen that would potentially permit the employee to inhale formaldehyde at concentrations in excess of either the TWA or the STEL.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 10 ppm.....	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 100 ppm.....	Full-face mask, chest or back mounted type, with industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator, demand type, with full facepiece, hood, or helmet.
Above 100 ppm or unknown (emergencies).....	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece.

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
	Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Firefighting.....	SCBA with positive-pressure in full facepiece.
Escape.....	SCBA in demand or pressure demand mode. Full-face mask, front or back mounted type with industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(iii) Where air purifying chemical cartridge respirators are used, the cartridges shall be replaced after three hours of use or at the end of the workshift, whichever is sooner unless the cartridge contains a NIOSH-approved end-of-service indicator to show when breakthrough occurs.

(iv) Unless the canister contains a NIOSH-approved end-of-service life indicator to show when breakthrough occurs, canisters used in atmospheres up to 10 ppm shall be replaced every four hours and industrial sized canisters used in atmospheres up to 100 ppm shall be replaced every two hours or at the end of the workshift, whichever is sooner.

(v) Employers shall permit employees to leave the work area to wash their faces and respirator facepieces as needed to prevent skin irritation from respirator use.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-24-07501 and 296-24-078. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

**DANGER
FORMALDEHYDE-CONTAMINATED (CLOTHING)
EQUIPMENT
AVOID INHALATION AND SKIN CONTACT**

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eyewash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-62-05403 (6)(c) for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-62-05409 through 296-62-05419.

(i) For purposes of hazard communication, formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm shall be considered a health hazard.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-62-05411 are affixed to all containers where the presence of formaldehyde constitutes a health hazard.

(ii) Information on labels. As a minimum, labels shall identify the hazardous chemical; list the name and address of the responsible party; contain the information "potential cancer hazard"; and appropriately warn of all other hazards as defined in Part C (WAC 296-62-054 through 296-62-05425), Appendices A and B.

(iii) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials that constitute a health hazard as defined in this standard shall comply with the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials that constitute a health hazard as defined in this standard shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(14) Employee information and training.

(a) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

(b) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program.

(c) Frequency.

(i) Employers shall provide employees with information and training on formaldehyde at the time of their initial assignment and whenever a new hazard from formaldehyde is introduced into their work area.

(ii) Employers shall provide such information and training at least annually for all employees exposed to formaldehyde concentrations at or above the action level or the STEL.

(d) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing and equipment;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls; and

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency.

(e) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

- (i) The date of measurement;
- (ii) The operation being monitored;
- (iii) The methods of sampling and analysis and evidence of their accuracy and precision;
- (iv) The number, durations, time, and results of samples taken;
- (v) The types of protective devices worn; and
- (vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

- (i) The name and Social Security number of the employee;
- (ii) The physician's written opinion;
- (iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and
- (iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Respirator fit testing.

(i) The employer shall establish and maintain accurate records for employees subject to negative-pressure respirator fit testing required by this standard.

(ii) This record shall include:

- (A) A copy of the protocol selected for respirator fit testing;
- (B) A copy of the results of any fit testing performed;
- (C) The size and manufacturer of the types of respirators available for selection; and

(D) The date of the most recent fit testing, the name and Social Security number of each tested employee, and the respirator type and facepiece selected.

(e) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years;

(ii) Medical records shall be kept for the duration of employment plus thirty years; and

(iii) Respirator fit testing records shall be kept until replaced by a more recent record.

(f) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee.

(16) Effective dates.

(a) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories thirty days after the adoption date, except as noted in (b) of this subsection. For all laboratories other than anatomy, histology, and pathology, subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in (b) of this subsection.

(b) Engineering and work practice controls. Engineering and work practice controls required by this standard shall be implemented as soon as possible, but no later than February 2, 1989.

(c) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

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

NEW SECTION

WAC 296-62-07542 APPENDIX A—SUBSTANCE TECHNICAL GUIDELINE FOR FORMALIN. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fydc; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

(i) Percent: 37.0 Formaldehyde.

(ii) Percent: 63.0 water.

Note. Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-1 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to over-exposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD50=800 mg/kg.

(II) Oral, mouse: LD50=42 mg/kg.

(III) Inhalation, rats: LC50=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a

carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) Skin contact: Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) Eye contact: Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) Emergency procedures.

(i) Emergencies:

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) Special firefighting procedures:

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In firefighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) Spill, leak, and disposal procedures.

(i) Occupational spill: For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and

facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) Waste disposal: Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) Monitoring and measurement procedures.

(i) Monitoring requirements: If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) Evaluation of 8-hour exposure: Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) Short-term exposure evaluation: If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) Monitoring techniques: WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) Notification of results: Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection:

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (TWA) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

NEW SECTION

WAC 296-62-07544 APPENDIX B—SAMPLING STRATEGY AND ANALYTICAL METHODS FOR FORMALDEHYDE.

(1) To protect the health of employees, exposure measurements must be unbiased and representative of employee exposure. The proper measurement of employee exposure requires more than a token commitment on the part of the employer. WISHA's mandatory requirements establish a baseline; under the best of circumstances all questions regarding employee exposure will be answered. Many employers, however, will wish to conduct more extensive monitoring before undertaking expensive commitments, such as engineering controls, to assure that the modifications are truly necessary. The following sampling strategy, which was developed at NIOSH by Nelson A. Leidel, Kenneth A. Busch, and Jeremiah R. Lynch and described in NIOSH publication No. 77-173 (Occupational Exposure Sampling Strategy Manual) will assist the employer in developing a strategy for determining the exposure of his or her employees.

(2) There is no one correct way to determine employee exposure. Obviously, measuring the exposure of every employee exposed to formaldehyde will provide the most information on any given day. Where few employees are exposed, this may be a practical solution. For most employers, however, use of the following strategy will give just as much information at less cost.

(3) Exposure data collected on a single day will not automatically guarantee the employer that his or her workplace is always in compliance with the formaldehyde standard. This does not imply, however, that it is impossible for an employer to be sure that his or her worksite is in compliance with the standard. Indeed, a properly designed sampling strategy showing that all employees are exposed below the PELs, at least with a ninety-five percent certainty, is compelling evidence that the exposure limits are being achieved provided that measurements are conducted using valid sampling strategy and approved analytical methods.

(4) There are two PELs, the TWA concentration and the STEL.

(a) Most employers will find that one of these two limits is more critical in the control of their operations, and OSHA expects that the employer will concentrate monitoring efforts on the critical component.

(b) If the more difficult exposure is controlled, this information, along with calculations to support the assumptions, should be adequate to show that the other exposure limit is also being achieved.

(5) Sampling strategy.

(a) Determination of the need for exposure measurements.

(b) The employer must determine whether employees may be exposed to concentrations in excess of the action level. This determination becomes the first step in an employee exposure monitoring program that minimizes employer sampling burdens while providing adequate employee protection.

(c) If employees may be exposed above the action level, the employer must measure exposure. Otherwise, an objective determination that employee exposure is low provides adequate evidence that exposure potential has been examined.

(d) The employer should examine all available relevant information, e.g., insurance company and trade association data and information from suppliers or exposure data collected from similar operations.

(e) The employer may also use previously-conducted sampling including area monitoring. The employer must make a determination relevant to each operation although this need not be on a separate piece of paper.

(f) If the employer can demonstrate conclusively that no employee is exposed above the action level or the STEL through the use of objective data, the employer need proceed no further on employee exposure monitoring until such time that conditions have changed and the determination is no longer valid.

(g) If the employer cannot determine that employee exposure is less than the action level and the STEL, employee exposure monitoring will have to be conducted.

(6) Workplace material survey.

(a) The primary purpose of a survey of raw material is to determine if formaldehyde is being used in the work environment and if so, the conditions under which formaldehyde is being used.

(b) The first step is to tabulate all situations where formaldehyde is used in a manner such that it may be released into the workplace atmosphere or contaminate the skin. This information should be available through analysis of company records and information on the MSDSs available through provisions of this standard and the hazard communication standard.

(c) If there is an indication from materials handling records and accompanying MSDSs that formaldehyde is being used in the following types of processes or work operations, there may be a potential for releasing formaldehyde into the workplace atmosphere:

(i) Any operation that involves grinding, sanding, sawing, cutting, crushing, screening, sieving, or any other manipulation of material that generates formaldehyde-bearing dust.

(ii) Any processes where there have been employee complaints or symptoms indicative of exposure to formaldehyde.

(iii) Any liquid or spray process involving formaldehyde.

(iv) Any process that uses formaldehyde in preserved tissue.

(v) Any process that involves the heating of a formaldehyde-bearing resin.

Processes and work operations that use formaldehyde in these manners will probably require further investigation at the worksite to determine the extent of employee monitoring that should be conducted.

(7) Workplace observations.

(a) To this point, the only intention has been to provide an indication as to the existence of potentially exposed employees. With this information, a visit to the workplace is needed to observe work operations, to identify potential health hazards, and to determine whether any employees may be exposed to hazardous concentrations of formaldehyde.

(b) In many circumstances, sources of formaldehyde can be identified through the sense of smell. However, this method of detection should be used with caution because of olfactory fatigue.

(c) Employee location in relation to source of formaldehyde is important in determining if an employee may be significantly exposed to formaldehyde. In most instances, the closer a worker is to the source, the higher the probability that a significant exposure will occur.

Other characteristics should be considered. Certain high temperature operations give rise to higher evaporation rates. Locations of open doors and windows provide natural ventilation that tend to dilute formaldehyde emissions. General room ventilation also provides a measure of control.

(8) Calculation of potential exposure concentrations.

(a) By knowing the ventilation rate in a workplace and the quantity of formaldehyde generated, the employer may be able to determine by calculation if the PELs might be exceeded.

(b) To account for poor mixing of formaldehyde into the entire room, locations of fans and proximity of employees to the work operation, the employer must include a safety factor.

(c) If an employee is relatively close to a source, particularly if he or she is located downwind, a safety factor of one hundred may be necessary.

(d) For other situations, a factor of ten may be acceptable. If the employer can demonstrate through such calculations that employee exposure does not exceed the action level or the STEL, the employer may use this information as objective data to demonstrate compliance with the standard.

(9) Sampling strategy.

(a) Once the employer determines that there is a possibility of substantial employee exposure to formaldehyde, the employer is obligated to measure employee exposure.

(b) The next step is selection of a maximum risk employee. When there are different processes where employees may be exposed to formaldehyde, a maximum risk employee should be selected for each work operation.

(c) Selection of the maximum risk employee requires professional judgment. The best procedure for selecting the maximum risk employee is to observe employees and select the person closest to the source of formaldehyde. Employee mobility may affect this selection; e.g., if the closest employee is mobile in his tasks, he may not be the maximum risk employee. Air movement patterns and differences in work habits will also affect selection of the maximum risk employee.

(d) When many employees perform essentially the same task, a maximum risk employee cannot be selected. In this circumstance, it is necessary to resort to random sampling of the group of workers. The objective is to select a subgroup of adequate size so that there is a high probability that the random sample will contain at least one worker with high exposure if one exists. The number of persons in the group

influences the number that need to be sampled to ensure that at least one individual from the highest ten percent exposure group is contained in the sample. For example, to have ninety percent confidence in the results, if the group size is ten, nine should be sampled; for fifty, only eighteen need to be sampled.

(e) If measurement shows exposure to formaldehyde at or above the action level or the STEL, the employer needs to identify all other employees who may be exposed at or above the action level or STEL and measure or otherwise accurately characterize the exposure of these employees.

(f) Whether representative monitoring or random sampling are conducted, the purpose remains the same to determine if the exposure of any employee is above the action level. If the exposure of the most exposed employee is less than the action level and the STEL, regardless of how the employee is identified, then it is reasonable to assume that measurements of exposure of the other employees in that operation would be below the action level and the STEL.

(10) Exposure measurements.

(a) There is no "best" measurement strategy for all situations. Some elements to consider in developing a strategy are:

- (i) Availability and cost of sampling equipment;
- (ii) Availability and cost of analytic facilities;
- (iii) Availability and cost of personnel to take samples;
- (iv) Location of employees and work operations;
- (v) Intraday and interday variations in the process;
- (vi) Precision and accuracy of sampling and analytic methods; and
- (vii) Number of samples needed.

(b) Samples taken for determining compliance with the STEL differ from those that measure the TWA concentration in important ways. STEL samples are best taken in a nonrandom fashion using all available knowledge relating to the area, the individual, and the process to obtain samples during periods of maximum expected concentrations. At least three measurements on a shift are generally needed to spot gross errors or mistakes; however, only the highest value represents the STEL.

(c) If an operation remains constant throughout the workshift, a much greater number of samples would need to be taken over the thirty-two discrete nonoverlapping periods in an 8-hour workshift to verify compliance with a STEL. If employee exposure is truly uniform throughout the workshift, however, an employer in compliance with the 1 ppm TWA would be in compliance with the 2 ppm STEL, and this determination can probably be made using objective data.

(11) Need to repeat the monitoring strategy.

(a) Interday and intraday fluctuations in employee exposure are mostly influenced by the physical processes that generate formaldehyde and the work habits of the employee. Hence, in-plant process variations influence the employer's determination of whether or not additional controls need to be imposed. Measurements that employee exposure is low on a day that is not representative of worst conditions may not provide sufficient information to determine whether or not additional engineering controls should be installed to achieve the PELs.

(b) The person responsible for conducting sampling must be aware of systematic changes which will negate the validity of the sampling results. Systematic changes in formaldehyde exposure concentration for an employee can occur due to:

- (i) The employee changing patterns of movement in the workplace;
- (ii) Closing of plant doors and windows;
- (iii) Changes in ventilation from season to season;
- (iv) Decreases in ventilation efficiency or abrupt failure of engineering control equipment; and
- (v) Changes in the production process or work habits of the employee.

(c) Any of these changes, if they may result in additional exposure that reaches the next level of action (i.e., 0.5 or 1.0 ppm as an 8-hour average or 2 ppm over fifteen minutes) require the employer to perform additional monitoring to reassess employee exposure.

(d) A number of methods are suitable for measuring employee exposure to formaldehyde or for characterizing emissions within the worksite. The preamble to this standard describes some methods that have been widely used or subjected to validation testing. A detailed analytical procedure derived from the WISHA Method ALDE-1 for acrolein and formaldehyde is presented below for informational purposes.

(e) Inclusion of WISHA's method in this appendix in no way implies that it is the only acceptable way to measure employee exposure

to formaldehyde. Other methods that are free from significant interferences and that can determine formaldehyde at the permissible exposure limits within ± 25 percent of the "true" value at the ninety-five percent confidence level are also acceptable. Where applicable, the method should also be capable of measuring formaldehyde at the action level to ± 35 percent of the "true" value with a ninety-five percent confidence level. WISHA encourages employers to choose methods that will be best for their individual needs. The employer must exercise caution, however, in choosing an appropriate method since some techniques suffer from interferences that are likely to be present in workplaces of certain industry sectors where formaldehyde is used.

(12) WISHA's analytical laboratory method.

Method No: ALDE-1.

Matrix: Air.

(a) Target concentration: 1 ppm (1.2 mg/m³).

(b) Procedures: Air samples are collected by drawing known volumes of air through sampling tubes containing XAD-2 adsorbent which have been coated with 2-(hydroxymethyl) piperidine. The samples are desorbed with toluene and then analyzed by gas chromatography using a nitrogen selective detector.

(c) Recommended sampling rate and air volumes: 0.1 L/min and 24 L.

(d) Reliable quantitation limit: 16 ppb (20 ug/m³).

(e) Standard error of estimate at the target concentration: 7.3%.

(f) Status of the method: A sampling and analytical method that has been subjected to the established evaluation procedures of the organic methods evaluation branch.

(13) Date: March, 1985.

(a) General discussion.

(i) Background: The current WISHA method for collecting acrolein vapor recommends the use of activated 13X molecular sieves. The samples must be stored in an ice bath during and after sampling and also they must be analyzed within forty-eight hours of collection. The current WISHA method for collecting formaldehyde vapor recommends the use of bubblers containing ten percent methanol in water as the trapping solution.

This work was undertaken to resolve the sample stability problems associated with acrolein and also to eliminate the need to use bubblers to sample formaldehyde. A goal of this work was to develop and/or to evaluate a common sampling and analytical procedure for acrolein and formaldehyde.

NIOSH has developed independent methodologies for acrolein and formaldehyde which recommend the use of reagent-coated adsorbent tubes to collect the aldehydes as stable derivatives. The formaldehyde sampling tubes contain Chromosorb 102 adsorbent coated with N-benzylethanolamine (BEA) which reacts with formaldehyde vapor to form a stable oxazolidine compound. The acrolein sampling tubes contain XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP) which reacts with acrolein vapor to form a different, stable oxazolidine derivative. Acrolein does not appear to react with BEA to give a suitable reaction product. Therefore, the formaldehyde procedure cannot provide a common method for both aldehydes. However, formaldehyde does react with 2-HMP to form a very suitable reaction product. It is the quantitative reaction of acrolein and formaldehyde with 2-HMP that provides the basis for this evaluation.

This sampling and analytical procedure is very similar to the method recommended by NIOSH for acrolein. Some changes in the NIOSH methodology were necessary to permit the simultaneous determination of both aldehydes and also to accommodate WISHA laboratory equipment and analytical techniques.

(ii) Limit-defining parameters: The analyte air concentrations reported in this method are based on the recommended air volume for each analyte collected separately and a desorption volume of 1 mL. The amounts are presented as acrolein and/or formaldehyde, even though the derivatives are the actual species analyzed.

(A) Detection limits of the analytical procedure: The detection limit of the analytical procedure was 386 pg per injection for formaldehyde. This was the amount of analyte which gave a peak whose height was about five times the height of the peak given by the residual formaldehyde derivative in a typical blank front section of the recommended sampling tube.

(B) Detection limits of the overall procedure: The detection limits of the overall procedure were 482 ng per sample (16 ppb or 20 ug/m³ for formaldehyde). This was the amount of analyte spiked on the sampling device which allowed recoveries approximately equal to the detection limit of the analytical procedure.

(C) **Reliable quantitation limits:** The reliable quantitation limit was 482 ng per sample (16 ppb or 20 ug/m³) for formaldehyde. These were the smallest amounts of analyte which could be quantitated within the limits of a recovery of at least seventy-five percent and a precision (± 1.96 SD) of $\pm 25\%$ or better.

The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operating parameters.

(D) **Sensitivity:** The sensitivity of the analytical procedure over concentration ranges representing 0.4 to 2 times the target concentration, based on the recommended air volumes, was seven thousand five hundred eighty-nine area units per ug/mL for formaldehyde. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(E) **Recovery:** The recovery of formaldehyde from samples used in an eighteen-day storage test remained above ninety-two percent when the samples were stored at ambient temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least seventy-five percent following storage.

(F) **Precision (analytical method only):** The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.4 to 2 times the target concentration was 0.0052 for formaldehyde ((d)(C)(iii) of this subsection).

(G) **Precision (overall procedure):** The precision at the ninety-five percent confidence level for the ambient temperature storage tests was $\pm 14.3\%$ for formaldehyde. These values each include an additional $\pm 5\%$ for sampling error. The overall procedure must provide results at the target concentrations that are $\pm 25\%$ at the ninety-five percent confidence level.

(H) **Reproducibility:** Samples collected from controlled test atmospheres and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The formaldehyde samples were analyzed following fifteen days storage. The average recovery was 96.3% and the standard deviation was 1.7%.

(iii) **Advantages:**

(A) The sampling and analytical procedures permit the simultaneous determination of acrolein and formaldehyde.

(B) Samples are stable following storage at ambient temperature for at least eighteen days.

(iv) **Disadvantages:** None.

(b) **Sampling procedure.**

(i) **Apparatus:**

(A) Samples are collected by use of a personal sampling pump that can be calibrated to within $\pm 5\%$ of the recommended 0.1 L/min sampling rate with the sampling tube in line.

(B) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane treated glass and is about 8-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with a 75-mg backup section, located nearest the tapered end and a 150-mg sampling section of pretreated XAD-2 adsorbent which has been coated with 2-HMP. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic and caps. Instructions for the pretreatment and the coating of XAD-2 adsorbent are presented in (d) of this subsection.

(C) Sampling tubes, similar to those recommended in this method, are marketed by Supelco, Inc. These tubes were not available when this work was initiated; therefore, they were not evaluated.

(ii) **Reagents:** None required.

(iii) **Technique:**

(A) Properly label the sampling tube before sampling and then remove the plastic end caps.

(B) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the large, front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(C) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps.

(D) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(E) List any potential interferences on the sample data sheet.

(iv) **Breakthrough:**

(A) Breakthrough was defined as the relative amount of analyte found on a backup sample in relation to the total amount of analyte collected on the sampling train.

(B) For formaldehyde collected from test atmospheres containing six times the PEL, the average five percent breakthrough air volume was 41 L. The sampling rate was 0.1 L/min and the average mass of formaldehyde collected was 250 ug.

(v) **Desorption efficiency:** No desorption efficiency corrections are necessary to compute air sample results because analytical standards are prepared using coated adsorbent. Desorption efficiencies were determined, however, to investigate the recoveries of the analytes from the sampling device. The average recovery over the range of 0.4 to 2 times the target concentration, based on the recommended air volumes, was 96.2% for formaldehyde. Desorption efficiencies were essentially constant over the ranges studied.

(vi) **Recommended air volume and sampling rate:**

(A) The recommended air volume for formaldehyde is 24 L.

(B) The recommended sampling rate is 01. L/min.

(vii) **Interferences:**

(A) Any collected substance that is capable of reacting with 2-HMP and thereby depleting the derivatizing agent is a potential interference. Chemicals which contain a carbonyl group, such as acetone, may be capable of reacting with 2-HMP.

(b) There are no other known interferences to the sampling method.

(viii) **Safety precautions:**

(A) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(B) Follow all safety practices that apply to the work area being sampled.

(c) **Analytical procedure.**

(i) **Apparatus:**

(A) A gas chromatograph (GC), equipped with a nitrogen selective detector.

(B) A GC column capable of resolving the analytes from any interference. A 6 ft x 1/4 in OD (2mm ID) glass GC column containing 10% UCON 50-HB-5100 + 2% KOH on 80/100 mesh Chromosorb W-AW was used for the evaluation. Injections were performed on-column.

(C) Vials, glass 2-mL with Teflon-lined caps.

(D) Volumetric flasks, pipets, and syringes for preparing standards, making dilutions, and performing injections.

(ii) **Reagents:**

(A) Toluene and dimethylformamide. Burdick and Jackson solvents were used in this evaluation.

(B) Helium, hydrogen, and air, GC grade.

(C) Formaldehyde, thirty-seven percent by weight, in water. Aldrich Chemical, ACS Reagent Grade formaldehyde was used in this evaluation.

(D) Ambrlite XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP), 10% by weight ((d) of this subsection).

(E) Desorbing solution with internal standard. This solution was prepared by adding 20 uL of dimethylformamide to 100 mL of toluene.

(iii) **Standard preparation:**

(A) Formaldehyde: Prepare stock standards by diluting known volumes of thirty-seven percent formaldehyde solution with methanol. A procedure to determine the formaldehyde content of these standards is presented in (d) of this subsection. A standard containing 7.7 mg/mL formaldehyde was prepared by diluting 1 mL of the thirty-seven percent reagent to 50 mL with methanol.

(B) It is recommended that analytical standards be prepared about sixteen hours before the air samples are to be analyzed in order to ensure the complete reaction of the analytes with 2-HMP. However, rate studies have shown the reaction to be greater than ninety-five percent complete after four hours. Therefore, one or two standards can be analyzed after this reduced time if sample results are outside the concentration range of the prepared standards.

(C) Place 150-mg portions of coated XAD-2 adsorbent, from the same lot number as used to collect the air samples, into each of several glass 2-mL vials. Seal each vial with a Teflon-lined cap.

(D) Prepare fresh analytical standards each day by injecting appropriate amounts of the diluted analyte directly onto 150-mg portions of

coated adsorbent. It is permissible to inject both acrolein and formaldehyde on the same adsorbent portion. Allow the standards to stand at room temperature. A standard, approximately the target levels, was prepared by injecting 11 μ L of the acrolein and 12 μ L of the formaldehyde stock standards onto a single coated XAD-2 adsorbent portion.

(E) Prepare a sufficient number of standards to generate the calibration curves. Analytical standard concentrations should bracket sample concentrations. Thus, if samples are not in the concentration range of the prepared standards, additional standards must be prepared to determine detector response.

(F) Desorb the standards in the same manner as the samples following the sixteen-hour reaction time.

(iv) Sample preparation:

(A) Transfer the 150-mg section of the sampling tube to a 2-mL vial. Place the 75-mg section in a separate vial. If the glass wool plugs contain a significant number of adsorbent beads, place them with the appropriate sampling tube section. Discard the glass wool plugs if they do not contain a significant number of adsorbent beads.

(B) Add 1 mL of desorbing solution to each vial.

(C) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand with vigorous force several times during the desorption time.

(D) Save the used sampling tubes to be cleaned and recycled.

(v) Analysis:

(A) GC conditions.

Column temperature:

Bi-level temperature program.

First level: 100°C to 140°C at 4°C/min following completion of the first level.

Second level: 140°C to 180°C at 20°C/min following completion of the first level.

Isothermal period: Hold column at 180°C until the recorder pen returns to baseline (usually about twenty-five minutes after injection).

Injector temperature: 180°C.

Helium flow rate: 30 mL/min (detector response will be reduced if nitrogen is substituted for helium carrier gas).

Injection volume: 51 0.8 μ L.

GC column: Six-ft x 1/4-in OD (2 mm ID) glass GC column containing 10% UCON 50-HB-5100NZG651+512% KOH on 80/100 Chromosorb W-AW.

NPD conditions:

Hydrogen flow rate: 3 mL/min.

Air flow rate: 50 mL/min.

Detector temperature: 275 5151C.

(B) Use a suitable method, such as electronic integration, to measure detector response.

(C) Use an internal standard method to prepare the calibration curve with several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report results in μ g/mL.

(D) Bracket sample concentrations with standards.

(vi) Interferences (analytical).

(A) Any compound with the same general retention time as the analytes and which also gives a detector response is a potential interference. Possible interferences should be reported to the laboratory with submitted samples by the industrial hygienist.

(B) GC parameters (temperature, column, etc.), may be changed to circumvent interferences.

(C) A useful means of structure designation is GC/MS. It is recommended this procedure be used to confirm samples whenever possible.

(D) The coated adsorbent usually contains a very small amount of residual formaldehyde derivative.

(vii) Calculations:

(A) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(B) The concentration, in μ g/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If either of the analytes is found on the backup section, it is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(C) The acrolein and/or formaldehyde air concentration can be expressed using the following equation:

$$\text{Mg/m}^3 = (\text{A})(\text{B})/\text{C}$$

where A= μ g/mL from 3.7.2, B=desorption volume, and C=L of air sampled.

No desorption efficiency corrections are required.

(D) The following equation can be used to convert results in mg/m^3 to ppm.

$$\text{ppm} = (\text{mg/m}^3)(24.45)/\text{MW}$$

where mg/m^3 =result from 3.7.3, 24.45=molar volume of an ideal gas at 760 mm Hg and 25 5151C, MW=molecular weight (Formaldehyde=30.0).

(d) Backup data.

(i) Backup data on detection limits, reliable quantitation limits, sensitivity and precision of the analytical method, breakthrough, desorption efficiency, storage, reproducibility, and generation of test atmospheres are available in OSHA Method 52, developed by the Organics Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah.

(ii) Procedure to coat XAD-2 adsorbent with 2-HMP:

(A) Apparatus: Soxhlet extraction apparatus, rotary evaporation apparatus, vacuum desiccator, 1-L vacuum flask, 1-L round-bottomed evaporative flask, 1-L Erlenmeyer flask, 250-mL Buchner funnel with a coarse fritted disc, etc.

(B) Reagents:

(I) Methanol, isooctane, and toluene.

(II) (Hydroxymethyl) piperidine.

(III) Amberlite XAD-2 nonionic polymeric adsorbent, twenty to sixty mesh, Aldrich Chemical XAD-2 was used in this evaluation.

(C) Procedure: Weigh 125 g of crude XAD-2 adsorbent into a 1-L Erlenmeyer flask. Add about 200 mL of water to the flask and then swirl the mixture to wash the adsorbent. Discard any adsorbent that floats to the top of the water and then filter the mixture using a fritted Buchner funnel. Air dry the adsorbent for two minutes. Transfer the adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent to a 1-L round-bottomed evaporative flask, add 13 g of 2-HMP and then 200 mL of methanol, swirl the mixture and then allow it to stand for one hour. Remove the methanol at about 40°C and reduced pressure using a rotary evaporation apparatus. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator at room temperature overnight. Transfer the coated adsorbent to a Soxhlet extractor and then extract the material with toluene for about twenty-four hours. Discard the contaminated toluene, add methanol in its place and then continue the Soxhlet extraction for an additional four hours. Transfer the adsorbent to a weighted 1-L round-bottom evaporative flask and remove the methanol using the rotary evaporation apparatus. Determine the weight of the adsorbent and then add an amount of 2-HMP, which is ten percent by weight of the adsorbent. Add 200 mL of methanol and then swirl the mixture. Allow the mixture to stand for one hour. Remove the methanol by rotary evaporation. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator until all traces of solvents are gone. Typically, this will take two to three days. The coated adsorbent should be protected from contamination. XAD-2 adsorbent treated in this manner will probably not contain residual acrolein derivative. However, this adsorbent will often contain residual formaldehyde derivative levels of about 0.1 μ g per 150 mg of adsorbent. If the blank values for a batch of coated adsorbent are too high, then the batch should be returned to the Soxhlet extractor, extracted with toluene again and then re-coated. This process can be repeated until the desired blank levels are attained.

The coated adsorbent is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number. A sufficient amount of each lot number of coated adsorbent should be retained to prepare analytical standards for use with air samples from that lot number.

(iii) A procedure to determine formaldehyde by acid titration: Standardize the 0.1 N HCl solution using sodium carbonate and methyl orange indicator.

Place 50 mL of 0.1 M sodium sulfite and three drops of thymolphthalein indicator into a 250-mL Erlenmeyer flask. Titrate the contents of the flask to a colorless endpoint with 0.1 N HCl (usually one or two drops is sufficient). Transfer 10 mL of the formaldehyde/methanol solution ((b)(iii)(A) of this subsection) into the same flask and titrate the mixture with 0.1 N HCl, again, to a colorless endpoint.

The formaldehyde concentration of the standard may be calculated by the following equation:

$$\text{Formaldehyde, mg/mL} = \frac{\text{acid titer} \times \text{acid normality} \times 30.0}{\text{mL of Sample}}$$

This method is based on the quantitative liberation of sodium hydroxide when formaldehyde reacts with sodium sulfite to form the formaldehyde-bisulfite addition product. The volume of sample may be varied depending on the formaldehyde content but the solution to be titrated must contain excess sodium sulfite. Formaldehyde solutions containing substantial amounts of acid or base must be neutralized before analysis.

NEW SECTION

WAC 296-62-07546 APPENDIX C MEDICAL SURVEILLANCE—FORMALDEHYDE. (1) Health hazards. The occupational health hazards of formaldehyde are primarily due to its toxic effects after inhalation, after direct contact with the skin or eyes by formaldehyde in liquid or vapor form, and after ingestion.

(2) Toxicology.

(a) Acute effects of exposure.

(i) Inhalation (breathing): Formaldehyde is highly irritating to the upper airways. The concentration of formaldehyde that is immediately dangerous to life and health is 100 ppm. Concentrations above 50 ppm can cause severe pulmonary reactions within minutes. These include pulmonary edema, pneumonia, and bronchial irritation which can result in death. Concentrations above 5 ppm readily cause lower airway irritation characterized by cough, chest tightness, and wheezing. There is some controversy regarding whether formaldehyde gas is a pulmonary sensitizer which can cause occupational asthma in a previously normal individual. Formaldehyde can produce symptoms of bronchial asthma in humans. The mechanism may be either sensitization of the individual by exposure to formaldehyde or direct irritation by formaldehyde in persons with preexisting asthma. Upper airway irritation is the most common respiratory effect reported by workers and can occur over a wide range of concentrations, most frequently above 1 ppm. However, airway irritation has occurred in some workers with exposures to formaldehyde as low as 0.1 ppm. Symptoms of upper airway irritation include dry or sore throat, itching and burning sensations of the nose, and nasal congestion. Tolerance to this level of exposure may develop within one to two hours. This tolerance can permit workers remaining in an environment of gradually increasing formaldehyde concentrations to be unaware of their increasingly hazardous exposure.

(ii) Eye contact: Concentrations of formaldehyde between 0.05 ppm and 0.5 ppm produce a sensation of irritation in the eyes with burning, itching, redness, and tearing. Increased rate of blinking and eye closure generally protects the eye from damage at these low levels, but these protective mechanisms may interfere with some workers' work abilities. Tolerance can occur in workers continuously exposed to concentrations of formaldehyde in this range. Accidental splash injuries of human eyes to aqueous solutions of formaldehyde (formalin) have resulted in a wide range of ocular injuries including corneal opacities and blindness. The severity of the reactions have been directly dependent on the concentration of formaldehyde in solution and the amount of time lapsed before emergency and medical intervention.

(iii) Skin contact: Exposure to formaldehyde solutions can cause irritation of the skin and allergic contact dermatitis. These skin diseases and disorders can occur at levels well below those encountered by many formaldehyde workers. Symptoms include erythema, edema, and vesiculation or hives. Exposure to liquid formalin or formaldehyde vapor can provoke skin reactions in sensitized individuals even when airborne concentrations of formaldehyde are well below 1 ppm.

(iv) Ingestion: Ingestion of as little as 30 ml of a thirty-seven percent solution of formaldehyde (formalin) can result in death. Gastrointestinal toxicity after ingestion is most severe in the stomach and results in symptoms which can include nausea, vomiting, and severe abdominal pain. Diverse damage to other organ systems including the liver, kidney, spleen, pancreas, brain, and central nervous systems can occur from the acute response to ingestion of formaldehyde.

(b) Chronic effects of exposure. Long-term exposure to formaldehyde has been shown to be associated with an increased risk of cancer of the nose and accessory sinuses, nasopharyngeal and oropharyngeal cancer, and lung cancer in humans. Animal experiments provide conclusive evidence of a causal relationship between nasal cancer in rats and formaldehyde exposure. Concordant evidence of carcinogenicity

includes DNA binding, genotoxicity in short-term tests, and cytotoxic changes in the cells of the target organ suggesting both preneoplastic changes and a dose-rate effect. Formaldehyde is a complete carcinogen and appears to exert an effect on at least two stages of the carcinogenic process.

(3) Surveillance considerations.

(a) History.

(i) Medical and occupational history: Along with its acute irritative effects, formaldehyde can cause allergic sensitization and cancer. One of the goals of the work history should be to elicit information on any prior or additional exposure to formaldehyde in either the occupational or the nonoccupational setting.

(ii) Respiratory history: As noted above, formaldehyde has recognized properties as an airway irritant and has been reported by some authors as a cause of occupational asthma. In addition, formaldehyde has been associated with cancer of the entire respiratory system of humans. For these reasons, it is appropriate to include a comprehensive review of the respiratory system in the medical history. Components of this history might include questions regarding dyspnea on exertion, shortness of breath, chronic airway complaints, hyperreactive airway disease, rhinitis, bronchitis, bronchiolitis, asthma, emphysema, respiratory allergic reaction, or other preexisting pulmonary disease.

In addition, generalized airway hypersensitivity can result from exposures to a single sensitizing agent. The examiner should, therefore, elicit any prior history of exposure to pulmonary irritants, and any short-term or long-term effects of that exposure.

Smoking is known to decrease mucociliary clearance of materials deposited during respiration in the nose and upper airways. This may increase a worker's exposure to inhaled materials such as formaldehyde vapor. In addition, smoking is a potential confounding factor in the investigation of any chronic respiratory disease, including cancer. For these reasons, a complete smoking history should be obtained.

(iii) Skin disorders: Because of the dermal irritant and sensitizing effects of formaldehyde, a history of skin disorders should be obtained. Such a history might include the existence of skin irritation, previously documented skin sensitivity, and other dermatologic disorders. Previous exposure to formaldehyde and other dermal sensitizers should be recorded.

(iv) History of atopic or allergic diseases: Since formaldehyde can cause allergic sensitization of the skin and airways, it might be useful to identify individuals with prior allergen sensitization. A history of atopic disease and allergies to formaldehyde or any other substances should also be obtained. It is not definitely known at this time whether atopic diseases and allergies to formaldehyde or any other substances should also be obtained. Also it is not definitely known at this time whether atopic individuals have a greater propensity to develop formaldehyde sensitivity than the general population, but identification of these individuals may be useful for ongoing surveillance.

(v) Use of disease questionnaires: Comparison of the results from previous years with present results provides the best method for detecting a general deterioration in health when toxic signs and symptoms are measured subjectively. In this way recall bias does not affect the results of the analysis. Consequently, WISHA has determined that the findings of the medical and work histories should be kept in a standardized form for comparison of the year-to-year results.

(b) Physical examination.

(i) Mucosa of eyes and airways: Because of the irritant effects of formaldehyde, the examining physician should be alert to evidence of this irritation. A speculum examination of the nasal mucosa may be helpful in assessing possible irritation and cytotoxic changes, as may be indirect inspection of the posterior pharynx by mirror.

(ii) Pulmonary system: A conventional respiratory examination, including inspection of the thorax and auscultation and percussion of the lung fields should be performed as part of the periodic medical examination. Although routine pulmonary function testing is only required by the standard once every year for persons who are exposed over the TWA concentration limit, these tests have an obvious value in investigating possible respiratory dysfunction and should be used wherever deemed appropriate by the physician. In cases of alleged formaldehyde-induced airway disease, other possible causes of pulmonary dysfunction (including exposures to other substances) should be ruled out. A chest radiograph may be useful in these circumstances. In cases of suspected airway hypersensitivity or allergy, it may be appropriate to use bronchial challenge testing with formaldehyde or methacholine to determine the nature of the disorder. Such testing should be performed by or under the supervision of a physician experienced in the procedures involved.

(iii) Skin: The physician should be alert to evidence of dermal irritation of sensitization, including reddening and inflammation, urticaria, blistering, scaling, formation of skin fissures, or other symptoms. Since the integrity of the skin barrier is compromised by other dermal diseases, the presence of such disease should be noted. Skin sensitivity testing carries with it some risk of inducing sensitivity, and therefore, skin testing for formaldehyde sensitivity should not be used as a routine screening test. Sensitivity testing may be indicated in the investigation of a suspected existing sensitivity. Guidelines for such testing have been prepared by the North American Contact Dermatitis Group.

(4) Additional examinations or tests. The physician may deem it necessary to perform other medical examinations or tests as indicated. The standard provides a mechanism whereby these additional investigations are covered under the standard for occupational exposure to formaldehyde.

(5) Emergencies. The examination of workers exposed in an emergency should be directed at the organ systems most likely to be affected. Much of the content of the examination will be similar to the periodic examination unless the patient has received a severe acute exposure requiring immediate attention to prevent serious consequences. If a severe overexposure requiring medical intervention or hospitalization has occurred, the physician must be alert to the possibility of delayed symptoms. Followup nonroutine examinations may be necessary to assure the patient's well-being.

(6) Employer obligations. The employer is required to provide the physician with the following information: A copy of this standard and appendices A, C, D, and E; a description of the affected employee's duties as they relate to his or her exposure concentration; an estimate of the employee's exposure including duration (e.g., fifteen hr./wk., three eight-hour shifts, full-time); a description of any personal protective equipment, including respirators, used by the employee; and the results of any previous medical determinations for the affected employee related to formaldehyde exposure to the extent that this information is within the employer's control.

(7) Physician's obligations. The standard requires the employer to obtain a written statement from the physician. This statement must contain the physician's opinion as to whether the employee has any medical condition which would place him or her at increased risk of impaired health from exposure to formaldehyde or use of respirators, as appropriate. The physician must also state his opinion regarding any restrictions that should be placed on the employee's exposure to formaldehyde or upon the use of protective clothing or equipment such as respirators. If the employee wears a respirator as a result of his or her exposure to formaldehyde, the physician's opinion must also contain a statement regarding the suitability of the employee to wear the type of respirator assigned. Finally, the physician must inform the employer that the employee has been told the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion is not to contain any information on specific findings or diagnoses unrelated to occupational exposure to formaldehyde.

The purpose in requiring the examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to assist the employer in placing employees initially, in assuring that their health is not being impaired by formaldehyde, and to assess the employee's ability to use any required protective equipment.

NEW SECTION

WAC 296-62-07548 APPENDIX D—NONMANDATORY MEDICAL DISEASE QUESTIONNAIRE. (1) Identification.

- (a) Plant name:
- (b) Date:
- (c) Employee name:
- (d) Social Security number:
- (e) Job title:
- (f) Birthdate:
- (g) Age:
- (h) Sex:
- (i) Height:
- (j) Weight:

(2) Medical history.

- (a) Have you ever been in the hospital as a patient?
Yes No
If yes, what kind of problem were you having?

- (b) Have you ever had any kind of operation?

Yes No
If yes, what kind?

- (c) Do you take any kind of medicine regularly?

Yes No
If yes, what kind?

- (d) Are you allergic to any drugs, foods, or chemicals?

Yes No
If yes, what kind of allergy is it?

What causes the allergy?

- (e) Have you ever been told that you have asthma, hayfever, or sinusitis?

Yes No

- (f) Have you ever been told that you have emphysema, bronchitis, or any other respiratory problems?

Yes No

- (g) Have you ever been told you had hepatitis?

Yes No

- (h) Have you ever been told that you have cirrhosis?

Yes No

- (i) Have you ever been told that you had cancer?

Yes No

- (j) Have you ever had arthritis or joint pain?

Yes No

- (k) Have you ever been told that you had high blood pressure?

Yes No

- (l) Have you ever had a heart attack or heart trouble?

Yes No

(3) Medical history update.

- (a) Have you been in the hospital as a patient any time within the past year?

Yes No
If so, for what condition?

- (b) Have you been under the care of a physician during the past year?

Yes No
If so, for what condition?

- (c) Is there any change in your breathing since last year?

Yes No
(i) Better?
(ii) Worse?
(iii) No change?
If change, do you know why?

- (d) Is your general health different this year from last year?

Yes No
If different, in what way?

- (e) Have you in the past year or are you now taking any medication on a regular basis?

Yes No
(i) Name Rx
(ii) Condition being treated

- (4) Occupational history.
- (a) How long have you worked for your present employer?
- (b) What jobs have you held with this employer? Include job title and length of time in each job.
- (c) In each of these jobs, how many hours a day were you exposed to chemicals?
- (d) What chemicals have you worked with most of the time?
- (e) Have you ever noticed any type of skin rash you feel was related to your work?
Yes No
- (f) Have you ever noticed that any kind of chemical makes you cough?
Yes No
- (i) Wheeze:
Yes No
- (ii) Become short of breath or cause your chest to become tight?
Yes No
- (g) Are you exposed to any dust or chemicals at home?
Yes No
If yes, explain:
- (h) In other jobs, have you ever had exposure to:
- (i) Wood dust?
Yes No
- (ii) Nickel or chromium?
Yes No
- (iii) Silica (foundry, sand blasting)?
Yes No
- (iv) Arsenic or asbestos?
Yes No
- (v) Organic solvents?
Yes No
- (vi) Urethane foams?
Yes No
- (5) Occupational history update.
- (a) Are you working on the same job this year as you were last year?
Yes No
If not, how has your job changed?
- (b) What chemicals are you exposed to on your job?
- (c) How many hours a day are you exposed to chemicals?
- (d) Have you noticed any skin rash within the past year you feel was related to your work?
Yes No
If so, explain circumstances:
- (e) Have you noticed that any chemical makes you cough, be short of breath, or wheeze?
Yes No
If so, can you identify it?
- (6) Miscellaneous.
- (a) Do you smoke?
Yes No
If so, how much and for how long?
(i) Pipe
(ii) Cigars
(iii) Cigarettes
- (b) Do you drink alcohol in any form?
Yes No
If so, how much, how long, and how often?
- (c) Do you wear glasses or contact lenses?
Yes No
- (d) Do you get any physical exercise other than that required to do your job?
Yes No
If so, explain:
- (e) Do you have any hobbies or "side jobs" that require you to use chemicals, such as furniture stripping, sand blasting, insulation or manufacture of urethane foam, furniture, etc.?
Yes No
If so, please describe, giving type of business or hobby, chemicals used and length of exposures.
- (7) Symptoms questionnaire.
- (a) Do you ever have any shortness of breath?
Yes No
- (i) If yes, do you have to rest after climbing several flights of stairs?
Yes No
- (ii) If yes, if you walk on the level with people your own age, do you walk slower than they do?
Yes No
- (iii) If yes, if you walk slower than a normal pace, do you have to limit the distance that you walk?
Yes No
- (iv) If yes, do you have to stop and rest while bathing or dressing?
Yes No
- (b) Do you cough as much as three months out of the year?
Yes No
- (i) If yes, have you had this cough for more than two years?
Yes No
- (ii) If yes, do you ever cough anything up from the chest?
Yes No
- (c) Do you ever have a feeling of smothering, unable to take a deep breath, or tightness in your chest?
Yes No
- (i) If yes, do you notice that this occurs on any particular day of the week?
Yes No
- (ii) If yes, what day of the week?
Yes No
- (iii) If yes, do you notice that this occurs at any particular place?
Yes No

- (iv) If yes, do you notice that this is worse after you have returned to work after being off for several days?
Yes No
- (d) Have you ever noticed any wheezing in your chest?
Yes No
- (i) If yes, is this only with colds or other infections?
Yes No
- (ii) Is this caused by exposure to any kind of dust or other material?
Yes No
- (iii) If yes, what kind?
- (e) Have you noticed any burning, tearing, or redness of your eyes when you are at work?
Yes No
Is so, explain circumstances:
- (f) Have you noticed any sore or burning throat or itchy or burning nose when you are at work?
Yes No
Is so, explain circumstances:
- (g) Have you noticed any stuffiness or dryness of your nose?
Yes No
- (h) Do you ever have swelling of the eyelids or face?
Yes No
- (i) Have you ever been jaundiced?
Yes No
If yes, was this accompanied by any pain?
Yes No
- (j) Have you ever had a tendency to bruise easily or bleed excessively?
Yes No
- (k) Do you have frequent headaches that are not relieved by aspirin or tylenol?
Yes No
- (i) If yes, do they occur at any particular time of the day or week?
Yes No
- (ii) If yes, when do they occur?
- (l) Do you have frequent episodes of nervousness or irritability?
Yes No
- (m) Do you tend to have trouble concentrating or remembering?
Yes No
- (n) Do you ever feel dizzy, light-headed, excessively drowsy, or like you have been drugged?
Yes No
- (o) Does your vision ever become blurred?
Yes No
- (p) Do you have numbness or tingling of the hands or feet or other parts of your body?
Yes No
- (q) Have you ever had chronic weakness or fatigue?
Yes No
- (r) Have you every had any swelling of your feet or ankles to the point where you could not wear your shoes?
Yes No
- (s) Are you bothered by heartburn or indigestion?
Yes No
- (t) Do you ever have itching, dryness, or peeling and scaling of the hands?
Yes No
- (u) Do you ever have a burning sensation in the hands, or reddening of the skin?
Yes No
- (v) Do you ever have cracking or bleeding of the skin on your hands?
Yes No
- (w) Are you under a physician's care?
Yes No
If yes, for what are you being treated?
- (x) Do you have any physical complaints today?
Yes No
If yes, explain:
- (y) Do you have other health conditions not covered by these questions?
Yes No
If yes, explain:

NEW SECTION

WAC 296-62-07550 APPENDIX E—QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. FIT test protocols. Because exposure to formaldehyde can affect the employee's ability to detect common odorants, fit test results from the isoamyl acetate test must be augmented by results from either the saccharin or irritant smoke test.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk;
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;

- (v) Tendency of respirator to slip;
- (vi) Self-observation in mirror to evaluate fit and respirator position.
- (h) The test subject shall conduct the negative and positive pressure fit checks as described below or in the latest edition of ANSI Z88.2. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side to side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.
 - (i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.
 - (ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.
 - (i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.
 - (j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.
 - (k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.
 - (l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:
 - (i) Name of employee;
 - (ii) Type, brand, and size of respirator; and
 - (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

 - (m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure.
 - (i) Normal breathing. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.
 - (ii) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:
 - (i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.
 - (ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.
 - (iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.
 - (iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).
 - (v) Talking. The subject shall talk out loud slowly and loudly enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.
 - (vi) Grimace. The test subject shall grimace by smiling or frowning.
 - (vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.
 - (viii) Normal breathing. Same as (n)(i) of this subsection.
 - (A) Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

(B) The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that the equipment is in proper working order.

(iii) The employer shall assure the QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25°C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clear dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contain a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half, and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self-sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (c)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes, the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particular filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(n) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially used.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) If a half-mask is being fitted, advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate

QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agency is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent, and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set-up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonable stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(i) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and of the end of the test.

(c) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-24-58513 PROTECTIVE CLOTHING. The following requirements apply to those employees who perform interior structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(1) General.

(a) The employer shall provide at no cost to the employee and assure the use of protective clothing which complies with the requirements of this section. The employer shall assure that protective clothing ordered or purchased after January 1, 1982, meets the requirements contained in this section. As the new equipment is provided, the employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. After July 1,

1985, the employer shall assure that all fire brigade members wear protective clothing meeting the requirements of this section when performing interior structural fire fighting.

(b) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: Foot and leg protection; hand protection; body protection; eye, face and head protection.

(2) Foot and leg protection.

(a) Foot and leg protection shall meet the requirements of (b) and (c) of this subsection, and may be achieved by either of the following methods:

- (i) Fully extended boots which provide protection for the legs; or
- (ii) Protective shoes or boots worn in combination with protective trousers that meet the requirements of subsection (3) of this section.

(b) Protective footwear shall meet the requirements of WAC 296-24-088 for Class 75 footwear. In addition, protective footwear shall be water-resistant for at least five inches (12.7 cm) above the bottom of the heel and shall be equipped with slip-resistant outer soles.

(c) Protective footwear shall be tested in accordance with paragraph (1) Appendix E, and shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds (1330 N) of static force is applied to the nail.

(3) Body protection.

(a) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer. This shall be achieved by one of the following methods:

- (i) Wearing of a fire-resistant coat meeting the requirements of (b) of this subsection, in combination with fully extended boots meeting the requirements of subsection (2)(b) and (c) of this section; or
- (ii) Wearing of fire-resistant coat in combination with protective trousers both of which meet the requirements of (b) of this subsection.

(b) The performance, construction, and testing of fire-resistant coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971-1975, "Protective Clothing for Structural Fire Fighting," (see Appendix D) with the following permissible variations from those requirements:

(i) Tearing strength of the outer shell shall be a minimum of eight pounds (35.6 N) in any direction when tested in accordance with paragraph (2) of Appendix E; and

(ii) The outer shell may discolor but shall not separate or melt when placed in a forced air laboratory oven at a temperature of 500°F (260°C) for a period of five minutes. After cooling to ambient temperature and using the test method specified in paragraph (3) of Appendix E, char length shall not exceed 4.0 inches (10.2 cm) and after-flame shall not exceed 2.0 seconds.

(4) Hand protection.

(a) Hand protection shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall be tested in accordance with the test methods contained in the National Institute for Occupational Safety and Health (NIOSH) 1976 publication, "The Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods," (see Appendix D to Subpart L) and shall meet the following criteria for cut, puncture, and heat penetration:

(i) Materials used for gloves shall resist surface cut by a blade with an edge having a 60 degree included angle and a ((.025 mm (.001 inch)) .001 inch (.0025 cm.) radius, under an applied force of ((16 pounds) 72N,) 16 lbf (72N) and at a slicing velocity of greater or equal to ((2.5 cm/sec (60 in/min)) 60 in/min. (2.5 cm/sec);

(ii) Materials used for the palm and palm side of the fingers shall resist puncture by a penetrometer (simulating a 4d lath nail), under an applied force of ((13.2 pounds) 60N,) 13.2 lbf (60N) and at a velocity greater or equal to ((.85 cm/sec (20 in/min)) 20 in/min. (.85 cm/sec); and

(iii) The temperature inside the palm and gripping surface of the fingers of gloves shall not exceed ((57°C (135°F)) 135°F (57°C) when gloves or glove system are exposed to ((500°C (932°F)) 932°F (500°C) for five seconds at ((28 kPa (4 psi)) 4 psi (28 kPa) pressure.

(b) Exterior materials of gloves shall be flame resistant and shall be tested in accordance with paragraph (3) of Appendix E. Maximum allowable after-flame shall be 2.0 seconds, and the maximum char length shall be 4.0 inches (10.2 cm).

(c) When design of the fire-resistant coat does not otherwise provide protection for the wrists, protective gloves shall have wristlets of at least 4.0 inches (10.2 cm) in length to protect the wrist area when the arms are extended upward and outward from the body.

(5) Head, eye and face protection.

(a) Head protection shall consist of a protective head device with ear flaps and chin strap which meet the performance, construction, and testing requirements of the National Fire Safety and Research Office of the National Fire Prevention and Control Administration, United States Department of Commerce (now known as the United States Fire Administration), which are contained in, "Model Performance Criteria for Structural Firefighters' Helmets," (August 1977) (see Appendix D).

(b) Protective eye and face devices which comply with WAC 296-24-078 shall be used by fire brigade members when performing operations where the hazards of flying or falling materials which may cause eye and face injuries are present. Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted when such devices meet the requirements of WAC 296-24-078.

(c) Full facepieces, helmets, or hoods of breathing apparatus which meet the requirements of WAC 296-62-071 and 296-24-58515, shall be acceptable as meeting the eye and face protection requirements of (b) of this subsection.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

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
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Abate, see Temephos		
Acetaldehyde	100	180
Acetic acid	10	25
C Acetic anhydride	5	20
Acetone	750	1,780
Acetonitrile	40	70
2-Acetylaminofluorene, see WAC 296-62-073		
Acetylene	Simple	Asphyxiant
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	15
Acetylsalicylic acid	—	5
Acrolein	0.1	0.25
Acrylamide-skin	—	0.03
Acrylic acid	10	30
Acrylonitrile-skin, see WAC 296-62-07341		
Aldrin-skin	—	0.25
Allyl alcohol-skin	2	5
Allyl chloride	1	3
Allyl propyl disulfide	2	12
α-Alumina, see Aluminum oxide		
Aluminum		
metal and oxide	—	10
pyro powders	—	5
welding fumes	—	5
soluble salts	—	2
alkyls (NOC)	—	2
Alundum, see aluminum oxide		
4-Aminodiphenyl, see WAC 296-62-073		
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
Ammonia	25	18
Ammonium chloride, fume	—	10
Ammonium sulfamate (Ammate)	—	10
n-Amyl acetate	100	530
sec-Amyl acetate	125	665
Aniline & homologues-skin	2	10
Anisidine (o, p-isomers)-skin	0.1	0.5
Antimony & Compounds (as Sb)	—	0.5
ANTU (alpha Naphthyl thiourea)	—	0.3
Argon	Simple	Asphyxiant

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Arsenic & Compounds (as As) which are exempt from WAC 296-62-07347	—	0.2
Arsine	0.05	0.2
Asbestos, see WAC 296-62- 07517	—	—
Asphalt (petroleum) fumes	—	5
Atrazine	—	5
Azinphos methyl-skin	—	0.2
Barium (soluble compounds)	—	0.5
Benomyl	0.8	10
Benzidine, see WAC 296-62-073	—	—
p-Benzoquinone, see Quinone	—	—
Benzoyl peroxide	—	5
Benzyl chloride	1	5
Biphenyl, see Diphenyl	—	—
Bismuth telluride	—	10
Se-doped	—	5
Borates, tetra, sodium salts	—	—
anhydrous	—	1
decahydrate	—	5
pentahydrate	—	1
Boron oxide	—	10
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromacil	1	10
Bromine	0.1	0.7
Bromine pentafluoride	0.1	0.7
Bromochloromethane	200	1,050
Bromoform-skin	0.5	5.0
Butadiene (1,3-butadiene)	10	22
Butane	800	1,900
Butanethiol, see Butyl mercaptan	—	—
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cello- solve)-skin	25	120
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl acrylate	10	55
C n-Butyl alcohol-skin	50	150
sec-Butyl alcohol	100	305
tert-Butyl alcohol	100	300
C Butylamine-skin	5	15
C tert-Butyl chromate (as CrO ₃)- skin	—	0.1
n-Butyl glycidyl ether (BGE)	25	135
n-Butyl lactate	5	25
Butyl mercaptan	0.5	1.5
o-sec-Butylphenol-skin	5	30
p-tert-Butyl-toluene	10	60
C Cadmium oxide fume, as Cd	—	0.05
Cadmium dust and salts, as Cd	—	0.05
Calcium arsenate, see WAC 296- 62-07347	—	—
Calcium carbonate	—	10
Calcium cyanamide	—	0.5
Calcium hydroxide	—	5
Calcium oxide	—	2
Calcium silicate	—	10
Camphor (synthetic)	2	12
Caprolactam	—	—
dust	—	1
vapor	5	20
Captan	—	0.1
Captan	—	5
Carbaryl (Sevin ^[R])	—	5
Carbofuran	—	0.1
Carbon black	—	3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Carbon tetrabromide	0.1	1.4
Carbonyl chloride, see phosgene	—	—
Carbonyl fluoride	2	5
Catechol	5	20
Cellulose (paper fiber)	—	10
Cesium hydroxide	—	2
Chlordane-skin	—	0.5
Chlorinated camphene-skin	—	0.5
Chlorinated diphenyl oxide	—	0.5
C Chlorine	1	3

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Chlorine dioxide	0.1	0.3
C Chlorine tri-fluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (Phenacyl/chloride)	0.05	0.3
Chloroacetyl chloride	0.05	0.2
Chlorobenzene (Monochlorobenzene)	75	350
C o-Chlorobenzylidene malonitrile (OCBM)-skin	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene	—	—
Chlorodifluoromethane	1,000	3,500
Chlorodiphenyl (42% Chlorine)- skin	—	1
Chlorodiphenyl (54% Chlorine)- skin	—	0.5
1-Chloro-2,3-epoxy propane, see Epichlorohydrin	—	—
2-Chloroethanol, see Ethylene chlorohydrin	—	—
Chloroethylene, see vinylchloride	—	—
Chloroform (Trichloromethane)	10	50
1-Chloro-1-nitropropane	2	10
bis-Chloromethyl ether, see WAC 296-62-073	—	—
Chloropentafluoroethane	1,000	6,320
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-bu- tadiene)-skin	10	35
o-Chlorostyrene	50	285
o-Chlorotoluene	50	250
2-Chloro-6-(trichloromethyl) pyridine, see Nitrapyrin	—	—
Chlorpyrifos-skin	—	0.2
Chromium Metal	—	0.5
Chromium (II) compounds, as Cr	—	0.5
Chromium (III) compounds, as Cr	—	0.5
Chromium (VI) compounds, as Cr	—	0.05
Chromyl chloride	0.025	0.15
Clopidol	—	10
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	—	0.2
Cobalt, metal fume & dust, as Co	—	0.1
Cobalt carbonyl, as Co	—	0.1
Cobalt hydrocarbonyl, as Co	—	0.1
Copper, as Cu	—	—
Fume	—	0.1
Dusts and Mists	—	1.0
Corundum, see Aluminum oxide	—	—
Cotton Dust (raw)	—	1.0
Crag ^[R] herbicide	—	(see note e) 10
Cresol (all isomers)-skin	5	22
Crotonaldehyde	2	6
Cruformate	—	5
Cumene-skin	50	245
Cyanamide	—	2
Cyanide (as CN)-skin	—	5
Cyanogen	10	20
C Cyanogen chloride	0.3	0.6
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone-skin	25	100
Cyclohexene	300	1,015
Cyclohexylamine-skin	10	40
Cyclonite-skin, see RDX	—	—
Cyclopentadiene	75	200
Cyclopentane	600	1,720
Cyhexatin	—	5
2,4-D	—	10
DDT	—	1
DDVP, see Dichlorvos	—	—
Decaborane-skin	0.05	0.3
Demeton ^[R] -skin	0.01	0.1
Diacetone alcohol (4-hydroxy-4- methyl-2-pentanone)	50	240

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
1,2-Diaminoethane, see Ethylenediamine	—	—
Diazinon-skin	—	0.1
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibrom ^[R] , see Naled	—	—
1,2-Dibromo-3-chloropropane, see WAC 296-62-07345	—	—
2-N-Dibutylamino ethanol-skin	2	14
Dibutyl phosphate	1	5
Dibutyl phthalate	—	5
C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin	—	0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethane, see Ethylene dichloride	—	—
1,2-Dichloroethylene	200	790
1,1-Dichloroethylene, see Vinylidene chloride	—	—
Dichloromethane, see Methylene chloride	—	—
Dichlorofluoromethane	10	40
1,2-Dichloropropane, see Propylene dichloride	—	—
Dichloropropene-skin	1	5
2,2-Dichloropropionic acid	1	6
Dichlorotetrafluoroethane	1,000	7,000
Dichlorvos (DDVP)-skin	0.1	1
Dicrotophos-skin	—	0.25
Dicyclopentadiene	5	30
Dicyclopentadienyl iron	—	10
Dieldrin-skin	—	0.25
Diethanolamine	3	15
Diethylamine	10	30
Diethylaminoethanol-skin	10	50
C Diethylene triamine-skin	1	4
Diethylether, see Ethyl ether	—	—
Diethyl ketone	200	705
Diethyl phthalate	—	5
Difluorodibromomethane	100	860
Diglycidyl ether (DGE)	0.1	0.5
Dihydroxybenzene, see Hydroquinone	—	—
Diisobutyl ketone	25	250
Diisopropylamine-skin	5	20
Dimethoxymethane, see Methylal	—	—
Dimethyl acetamide-skin	10	35
Dimethylamine	10	18
4-Dimethylaminoazobenzene, see WAC 296-62-073	—	—
Dimethylaminobenzene, see Xylidene	—	—
Dimethylaniline (N, N-Dimethylaniline)-skin	5	25
Dimethylbenzene, see Xylene	—	—
Dimethyl-1,2-dibromo-2,2-dichloroethyl phosphate, see Naled	—	—
Dimethylformamide-skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone	—	—
1,1-Dimethylhydrazine-skin	0.5	1
Dimethyl phthalate	—	5
Dimethyl sulfate-skin	0.1	0.5
Dinitolmide	—	5
Dinitrobenzene (all isomers)-skin	0.15	1
Dinitro-o-cresol-skin	—	0.2
Dinitrotoluene-skin	—	1.5
Dioxane (Diethylene dioxide)-skin	25	90
Dioxathion-skin	—	0.2
Diphenyl	0.2	1.5
Diphenylamine	—	10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	—	—
Dipropylene glycol methyl ether-skin	100	600

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Dipropyl ketone	50	235
Diquat	—	0.5
Di-sec.octyl phthalate (Di-2-ethylhexylphthalate)	—	5
Disulfam	—	2
Disulfoton	—	0.1
2,6-Ditert.butyl-p-cresol	—	10
Diuron	—	10
Divinyl benzene	10	50
Emery	—	10
Endosulfan (Thiodan ^[R])-skin	—	0.1
Endrin-skin	—	0.1
Epichlorhydrin-skin	2	10
EPN-skin	—	0.5
1,2-Epoxypropane, see Propylene-oxide	—	—
2,3-Epoxy-1-propanol, see Glycidol	—	—
Ethane	Simple	Asphyxiant
Ethanethiol, see Ethyl/mercaptan	—	—
Ethanolamine	3	8
Ethion-skin	—	0.4
2-Ethoxyethanol-skin	5	19
2-Ethoxyethyl/acetate (Cellosolve acetate)-skin	5	27
Ethyl acetate	400	1,400
Ethyl acrylate-skin	5	20
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl amyl ketone	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethylene	Simple	Asphyxiant
C Ethylene chlorohydrin-skin	1	3
Ethylenediamine	10	25
C Ethylene glycol	50	125
Ethylene glycol dinitrate and/or Nitroglycerin-skin	0.05 (see note d)	0.3
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)-skin	5	24
Ethylene imine-skin, see WAC 296-62-073	—	—
Ethylene oxide (see WAC 296-62-07353)	1	2
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethylidene chloride, see 1,1-Dichloroethane	—	—
C Ethylidene norbornene	5	25
Ethyl mercaptan	0.5	1
n-Ethylmorpholine-skin	5	23
Ethyl.sec.amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl silicate	10	85
Fenamiphos-skin	—	0.1
Fensulfthion	—	0.1
Fenthion-skin	—	0.2
Ferbam	—	10
Ferrovandium dust	—	1
Fluorides, as F	—	2.5
Fluorine	0.1	0.2
Fluorotrchloromethane, see Trichlorofluoro methane	—	—
Fonofos-skin	—	0.1
Formamide	20	30
Formic acid	5	9
Furfural-skin	2	8
Furfuryl alcohol-skin	10	40
Gasoline	300	900
Germanium tetrahydride	0.2	0.6
Glass, fibrous or dust (see note e)	—	10
C Gluteraldehyde	0.2	0.7
Glycerin mist	—	10
Glycidol (2,3-Epoxy-1-propanol)	25	75
Glycol monoethyl ether, see 2-Ethoxyethanol	—	—

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Graphite (Synthetic)	—	10
Guthion [®] , see Azinphosmethyl	—	—
Gypsum	—	10
Hafnium	—	0.5
Helium	Simple	Asphyxiant
Heptachlor-skin	—	0.5
Heptane (n-heptane)	400	1,600
2-Heptanone, see Methyl n-amyl ketone	—	—
3-Heptanone, see Ethyl butyl ketone	—	—
Hexachlorobutadiene-skin	0.02	0.24
Hexachlorocyclopentadiene	0.01	0.1
Hexachloroethane	10	100
Hexachloronaphthalene-skin	—	0.2
Hexafluoroacetone-skin	0.1	0.7
Hexane	—	—
n-hexane	50	180
other Isomers	500	1,800
2-Hexanone	5	20
Hexone (Methyl isobutyl ketone)	50	205
sec-Hexyl acetate	50	300
C Hexylene Glycol	25	125
Hydrazine-skin	0.1	0.1
Hydrogen	Simple	Asphyxiant
Hydrogenated terphenyls	0.5	5
C Hydrogen bromide	3	10
C Hydrogen chloride	5	7
C Hydrogen cyanide-skin	10	10
C Hydrogen fluoride	3	2.5
Hydrogen peroxide	1	1.5
Hydrogen selenide	0.05	0.2
Hydroquinone	—	2
4-Hydroxy-4-methyl-2-pentanone, see Diacetone alcohol	—	—
2-Hydroxypropyl acrylate-skin	0.5	3
Indene	10	45
Indium and compounds, as In	—	0.1
C Iodine	0.1	1
Iodoform	0.6	10
Iron oxide fume	—	5
Iron pentacarbonyl	0.01	0.08
Iron salts, soluble, as Fe	—	1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	50	150
Isooctyl alcohol	50	270
C Isophorone	5	25
Isophorone diisocyanate-skin	0.01	0.09
Isopropoxyethanol	25	105
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
N-Isopropylaniline-skin	2	10
Isopropyl/ether	250	1,050
Isopropyl glycidyl ether (IGE)	50	240
Kaolin	—	10
Ketene	0.5	0.9
Lead and its inorganic compounds which are exempt from WAC 296-62-07521	—	0.15
Lead arsenate—see WAC 296-62-07347	—	0.15
Lead chromate	—	0.05
Limestone	—	10
Lindane	—	0.5
Lithium hydride	—	0.025
L.P.G. (liquified petroleum gas)	1,000	1,800
Magnesite	—	10
Magnesium oxide fume	—	10
Malathion-skin	—	10
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn	—	5
Manganese tetroxide and fume	—	1
Manganese cyclopentadienyl tricarbonyl, as Mn-skin	—	0.1
Marble	—	10
Mesityl oxide	15	60
Methacrylic acid	20	70
Methane	Simple	Asphyxiant

TABLE 1

PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Methanethiol, see Methyl mercaptan	—	—
Methomyl-skin	—	2.5
Methoxychlor	—	10
2-Methoxyethanol-skin (Methyl cellosolve)	5	16
4-Methoxyphenol	—	5
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate-skin	10	35
Methylacrylonitrile-skin	1	3
Methylal (dimethoxy-methane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol	—	—
Methyl n-amyl ketone (2-Heptanone)	50	235
N-Methyl aniline, see Monomethyl aniline	—	—
Methyl bromide-skin	5	20
Methyl butyl ketone, see 2-Hexanone	—	—
Methyl cellosolve-skin, see 2-Methoxyethanol	—	—
Methyl cellosolve acetate-skin, see Ethylene glycol monomethyl ether acetate	—	—
Methyl chloride	50	105
Methyl chloroform	350	1,900
Methyl chloromethyl ether, see WAC 296-62-073	—	—
Methyl 2-cyano acrylate	2	8
Methylcyclohexane	400	1,600
Methylcyclohexanol	50	235
Methylcyclohexanone-skin	50	230
Methylcyclopentadienyl manganese tricarbonyl (as Mn)-skin	—	0.2
Methyl demeton-skin	—	0.5
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
4,4'-Methylene bis (2-chloroaniline), see WAC 296-62-073	—	—
C Methylene bis (4-cyclohexylisocyanate)	0.01	0.11
4,4-Methylene dianiline-skin	0.1	0.8
Methyl ethyl ketone (MEK), see 2-Butanone	—	—
C Methyl ethyl ketone peroxide	0.2	1.5
Methyl formate	100	250
5-Methyl-3-heptanone, see Ethyl amyl ketone	—	—
Methyl hydrazine, see Monomethyl hydrazine	—	—
Methyl iodide-skin	2	10
Methyl isoamyl ketone	50	240
Methyl isobutyl carbinol-skin	25	100
Methyl isobutyl ketone, see Hexone	—	—
Methyl isocyanate-skin	0.02	0.05
Methyl isopropyl ketone	200	705
Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl parathion-skin	—	0.2
Methyl propyl ketone, see 2-Pentanone	—	—
Methyl silicate	1	6
Mevinphos [®] , see Phosdrin	—	—
Metribuzin	—	5
Molybdenum, as Mo	—	—
Soluble compounds	—	5
Insoluble compounds	—	10
Monomethyl aniline-skin	0.5	2
Monocrotophos	—	0.25
C Monomethyl hydrazine-skin	0.2	0.35
Morpholine-skin	20	70
Naled-skin	—	3
Naphtha (coal tar)	100	400
Naphthalene	10	50

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
α-Naphthylamine, see WAC 296-62-073		
B-Naphthylamine, see WAC 296-62-073		
Neon	Simple	Asphyxiant
Nickel carbonyl	0.001	0.007
Nickel, as Ni		
Metal	—	1
Soluble compounds	—	0.1
Nicotine-skin	—	0.5
Nitrapyrin	—	10
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline-skin	—	3
Nitrobenzene-skin	1	5
4-Nitrobiphenyl, see WAC 296-62-073		
p-Nitrochlorobenzene-skin	—	0.5
Nitroethane	100	310
Nitrogen	Simple	Asphyxiant
Nitrogen trifluoride	10	30
Nitroglycerin-skin	0.05	0.5
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	10	35
N-Nitrosodimethylamine, see WAC 296-62-073		
Nitrotoluene-skin	2	11
Nitrotrichloromethane, see Chloropicrin		
Nitrous Oxide	30	54
Nonane	200	1,050
Octachloronaphthalene-skin	—	0.1
Octane	300	1,450
Oil mist, particulate	—	5
Osmium tetroxide	0.0002	0.002
Oxalic acid	—	1
C Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraffin wax fume	—	2
Paraquat-skin	—	0.1
Parathion-skin	—	0.1
Particulate polycyclic aromatic hydrocarbons (PPAH), see coal tar pitch volatiles		
Pentaborane	0.005	0.01
Pentachloronaphthalene-skin	—	0.5
Pentachlorophenol-skin	—	0.5
Pentaerythritol	—	10
Pentane	600	1,800
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	14
Phenol-skin	5	19
Phenothiazine-skin	—	5
p-Phenylene diamine-skin	—	0.1
Phenyl ether (vapor)	1	7
Phenyl ether-Diphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	1	6
Phenylhydrazine-skin	5	20
Phenyl mercaptan	0.5	2
C Phenylphosphine	0.05	0.25
Phorate-skin	—	0.05
Phosdrin (Mevinphos ^[R])-skin	0.01	0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid	—	1
Phosphorus (yellow)	—	0.1
Phosphorous oxychloride	0.1	0.6
Phosphorus pentachloride	0.1	1
Phosphorus pentasulfide	—	1
Phosphorus trichloride	0.2	1.5
Phthalic anhydride	1	6
m-Phthalodinitrile	—	5
Picloram	—	10
Picric acid-skin	—	0.1
Pindone, see Pival		
Piperazine dihydrochloride	—	5

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Pival ^[R] (2-Pivalyl-1,3-indandione)	—	0.1
Plaster of Paris	—	10
Platinum, as Pt	—	1
Metal	—	0.002
Soluble salts	—	0.002
Polychlorobiphenyls, see Chlorodiphenyls		
C Potassium hydroxide	—	2
Propane	Simple	Asphyxiant
Propargyl alcohol-skin	1	2
B-Propiolactone, see WAC 296-62-073		
Propionic acid	10	30
Propoxur	—	0.5
n-Propyl acetate	200	840
Propyl alcohol-skin	200	500
Propylene	Simple	Asphyxiant
Propylene dichloride (1,2-Dichloropropane)	75	350
Propylene glycol dinitrate-skin	0.05	0.3
Propylene glycol monomethyl ether	100	360
Propylene imine-skin	2	5
Propylene oxide	20	50
n-Propyl nitrate	25	105
Propyne, see Methyl/acetylene		
Pyrethrum	—	5
Pyridine	5	15
Quinone	0.1	0.4
RDX-skin	—	1.5
Resorcinol	10	45
Rhodium, as Rh	—	0.1
Metal fumes and dusts	—	0.001
Soluble salts	—	10
Ronnel	—	10
Rosin Core Solder, pyrolysis products (as formaldehyde)	—	0.1
Rotenone (commercial)	—	5
Rouge	—	10
Rubber solvent (naphtha)	400	1,600
Selenium compounds (as Se)	—	0.2
Selenium hexafluoride	0.05	0.2
Sesone, see Crag herbicide		
Silane, see Silicon tetrahydride		
Silicon	—	10
Silicon Carbide	—	10
Silicon tetrahydride	5	7
Silver, metal and soluble compounds	—	0.01
C Sodium azide	0.1	0.3
Sodium bisulfite	—	5
Sodium-2, 4-dichlorophenoxyethyl sulfate, see Crag herbicide		
Sodium fluoroacetate (1080)-skin	—	0.05
C Sodium hydroxide	—	2
Sodium metabisulfite	—	5
Starch	—	10
Stibine	0.1	0.5
Stoddard solvent	100	525
Strychnine	—	0.15
C Subtilisins (proteolytic enzymes)	—	0.00006
Sucrose	—	10
Sulfotep-skin, see TEDP		
Sulfur dioxide	2	5
Sulfur hexafluoride	1,000	6,000
Sulfuric acid	—	1
C Sulfur monochloride	1	6
C Sulfur pentafluoride	0.01	0.1
C Sulfur tetrafluoride	0.1	0.4
Sulfuryl fluoride	5	20
Sulprofos	—	1
Systox, see Demeton ^[R]	—	—
2,4,5-T	—	10
Tantalum	—	5
TEDP-skin	—	0.2
Tellurium	—	0.1
Tellurium hexafluoride	0.02	0.2
Temephos	—	10
TEPP-skin	0.004	0.05
C Terphenyls	0.5	5

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane-skin	1	7
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene-skin	—	2
Tetraethyl lead (as Pb)-skin	—	0.1
Tetrahydrofuran	200	(see note f) 590
Tetramethyl lead (as Pb)-skin	—	0.15
Tetramethyl succinonitrile-skin	0.5	(see note f) 3
Tetranitromethane	1	8
Tetrasodium pyrophosphate	—	5
Tetryl (2,4,6-trinitrophenyl-methylnitramine)-skin	—	1.5
Thallium (soluble compounds)-skin (as Tl)	—	0.1
4,4-Thiobis (6-tert.butyl-m-cresol)	—	10
Thioglycolic acid-skin	1	4
C Thionyl chloride	1	5
Thiram[R] [®] , see WAC 296-62-07519	—	5
Tin, as Sn Metal	—	2
Oxide and inorganic compounds, except SnH ₄	—	2
Organic compounds-skin	—	0.1
Titanium dioxide	—	10
C Toluene-2,4-diisocyanate (TDI)	0.005	0.04
o-Toluidine-skin	2	9
p-Toluidine-skin	2	9
Toxaphene, see Chlorinated camphene		
Tributyl phosphate	0.2	2.5
Trichloroacetic acid	1	7
C 1,2,4-Trichlorobenzene	5	40
1,1,1-Trichloroethane, see Methyl chloroform		
1,1,2-Trichloroethane-skin	10	45
C Trichlorofluoromethane	1,000	5,600
Trichloromethane, see Chloroform		
Trichloronaphthalene-skin	—	5
1,2,3-Trichloropropane-skin	10	60
1,1,2-Trichloro-1,2,2-trifluoroethane	1,000	7,600
Tricyclohexyltin hydroxide, see Cyhexatin		
Triethylamine	10	40
Trifluorobromomethane	1,000	6,100
Trimellitic anhydride	0.005	0.04
Trimethylamine	10	24
Trimethyl benzene	25	125
Trimethyl phosphite	2	10
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenyl-methylnitramine, see Tetryl		
Trinitrotoluene-skin	—	0.5
Triorthocresyl phosphate-skin	—	0.1
Triphenyl/amine	—	5
Triphenyl phosphate	—	3
Tungsten & Compounds, as W Soluble	—	1
Insoluble	—	5
Turpentine	100	560
Uranium (natural) sol. & insol. compounds as U	—	0.2
Valeraldehyde	50	175
Vanadium (V ₂ O ₅), as V	—	0.05
Vegetable oil mist	—	10
Vinyl acetate	10	30
Vinyl bromide	5	20
Vinyl chloride, see WAC 296-62-07329		
Vinyl cyanide, see Acrylonitrile		
Vinyl cyclohexene dioxide	10	60

TABLE 1
PERMISSIBLE EXPOSURE LIMITS (PEL)

Substance	ppm (see note a)	mg/M ³ (see note b)
Vinyl toluene	50	240
Vinylidene chloride	5	20
VM&P naphtha	300	1,350
Warfarin	—	0.1
Welding fume	—	5
Wood dust		
Nonallergenic	—	5
Allergenic (e.g. cedar, mahogany, teak)	—	2.5
C m-Xylene- α,α -diamine-skin	—	0.1
Xylene (xylol)	100	435
Xylidine-skin	2	10
Yttrium	—	1
Zinc chloride fume	—	1
Zinc chromate	—	0.05
Zinc oxide dust	—	10
Zinc oxide fume	—	5
Zinc stearate	—	10
Zirconium compounds (as Zr)	—	5

- a) Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure.
- b) Approximate milligrams of substance per cubic meter of air.
- c) No footnote "c" is used to avoid confusion with ceiling value notations.
- d) An atmospheric concentration of more than 0.02 ppm may require personal protection to avoid headache.
- e) This 8-hour time-weighted average is for respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. This time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garnetting.
- f) Biologic monitoring is essential for personnel control.

TABLE 2
PERMISSIBLE EXPOSURE AND SHORT TERM LIMITS
(see note a)

Substance	8-hour time-weighted average permissible exposure limit	Short term permissible exposure limit
Allyl glycidal ether-skin	5 ppm	10 ppm
Benzene (see note b)	1 ppm	5 ppm
Beryllium and beryllium compounds	2 $\mu\text{g}/\text{M}^3$	5 $\mu\text{g}/\text{M}^3$
Carbon disulfide-skin	10 ppm	15 ppm
Carbon tetrachloride-skin	5 ppm	20 ppm
Dichloroethyl ether-skin	5 ppm	10 ppm
1,1-Dichloro-1-nitroethane	2 ppm	10 ppm
Ethylene dibromide-skin	0.1 ppm	0.5 ppm
Ethylene dichloride	10 ppm	15 ppm
Formaldehyde (see note c)	1 ppm	2 ppm
Hydrogen sulfide	10 ppm	15 ppm
Mercury		
Organo-skin	0.01 mg/M ³	0.03 mg/M ³
All other compounds except organo	0.05 mg/M ³	0.1 mg/M ³
Methylene chloride	100 ppm	500 ppm
α Methyl styrene	50 ppm	100 ppm
Nitrogen dioxide	3 ppm	5 ppm
Styrene, monomer	100 ppm	200 ppm
(vinyl benzene)		
Tetrachloroethylene (perchloroethylene)	50 ppm	200 ppm
Toluene	100 ppm	150 ppm
Trichloroethylene	50 ppm	200 ppm

Note: a A short term permissible exposure limit is defined as a 15-minute time-weighted average exposure which shall not be exceeded at any time during a work day even if the 8-hour time-weighted average is within the permissible exposure limit. Exposures at the short term limit shall not be longer than 15 minutes and shall not be repeated more than four times per day. There shall be at least 60 minutes between successive exposures at the short term limit.

b This standard applies to the industry segments exempt from WAC 296-62-07523 and also applies to any industry for which WAC 296-62-07523 is stayed or otherwise not in effect.

c This standard applies to any industry for which WAC 296-62-07540 through 296-62-07550 is stayed or otherwise not in effect.

TABLE 3
PARTICULATES

Substance	Respirable Fraction mg/M ³ (See note a)	Total Dust mg/M ³
Silica:		
Crystalline: (See note b)		
Quartz	0.1	30mg/M ³
		%SiO ₂ +3
Cristobalite: Use 1/2 the value for quartz.		
Tridymite: Use 1/2 the value for quartz.		
Amorphous, including natural diatomaceous earth	3	6
Silicates (less than 1% crystalline silica):		
Mica	3	6
Soapstone	3	6
Talc	2	
Talc containing no asbestos fibers		
Fibrous form—see WAC 296-62-07517		
Portland cement	5	10
Graphite (natural)	2.5	5
Coal dust (respirable fraction)		
Less than 5% SiO ₂	2.4	
For more than 5% SiO ₂	0.1	
Inert or nuisance dust	5	10
Total particulates (less than 1% SiO ₂)	5	10

(a) Both concentration and percent quartz for the application of these limits are to be determined from the fraction passing a size-selector with the following characteristics:

(b) The percentage of crystalline silica in the formula is the amount determined from airborne samples, except in those instances in which other methods have been shown to be applicable.

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

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 herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)

WAC 296-306-010 PURPOSE AND SCOPE. (1) The standards in this chapter apply to all agricultural operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA).

(2) In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

(4) The air contaminant standards contained in WAC 296-62-073 through ((296-62-07345)) 296-62-07389 and 296-62-075 do not apply to chapter 296-306 WAC, Safety standards for agricultural code.

Note: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07383 APPENDIX A—SUBSTANCE SAFETY DATA SHEET FOR ETHYLENE OXIDE (NONMANDATORY).

((F:)) (1) Substance Identification

((A:)) (a) Substance: Ethylene oxide (C₂H₄O).
((B:)) (b) Synonyms: Dihydrooxirene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

((E:)) (c) Ethylene oxide can be found as a liquid or vapor.
((F:)) (d) EtO is used in the manufacture of ethylene glycol, surfactants, ethanalamines, glycol ethers, and other organic chemicals. EtO is also used as a sterilant and fumigant.

((E:)) (e) Appearance and odor: Colorless liquid below 10.7°C (51.3°F) or colorless gas with ether-like odor detected at approximately 700 parts EtO per million parts of air (700 ppm).

((F:)) (f) Permissible exposure: Exposure may not exceed 1 part EtO per million parts of air averaged over the 8-hour work day.

((H:)) (2) Health Hazard Data

((A:)) (a) Ethylene oxide can cause bodily harm if you inhale the vapor, if it comes into contact with your eyes or skin, or if you swallow it.

((B:)) (b) Effects of overexposure:

((+)) (i) Ethylene oxide in liquid form can cause eye irritation and injury to the cornea, frostbite, and severe irritation and blistering of the skin upon prolonged or confined contact. Ingestion of EtO can cause gastric irritation and liver injury. Acute effects from inhalation of EtO vapors include respiratory irritation and lung injury, headache, nausea, vomiting, diarrhea, shortness of breath, and cyanosis (blue or purple coloring of skin). Exposure has also been associated with the occurrence of cancer, reproductive effects, mutagenic changes, neurotoxicity, and sensitization.

((+)) (ii) EtO has been shown to cause cancer in laboratory animals and has been associated with higher incidences of cancer in humans. Adverse reproductive effects and chromosome damage may also occur from EtO exposure.

((A:)) (c) Reporting signs and symptoms: You should inform your employer if you develop any signs or symptoms and suspect that they are caused by exposure to EtO.

((HH:)) (3) Emergency First Aid Procedures

((A:)) (a) Eye exposure: If EtO gets into your eyes, wash your eyes immediately with large amounts of water, lifting the lower and upper eyelids. Get medical attention immediately. Contact lenses should not be worn when working with this chemical.

((B:)) (b) Skin exposure: If EtO gets on your skin, immediately wash the contaminated skin with water. If EtO soaks through your clothing, especially your shoes, remove the clothing immediately and wash the skin with water using an emergency deluge shower. Get medical attention immediately. Thoroughly wash contaminated clothing before reusing. Contaminated leather shoes or other leather articles should not be reused and should be discarded.

((E:)) (c) Inhalation: If large amounts of EtO are inhaled, the exposed person must be moved to fresh air at once. If breathing has stopped, perform cardiopulmonary resuscitation. Keep the affected person warm and at rest. Get medical attention immediately.

((B:)) (d) Swallowing: When EtO has been swallowed, give the person large quantities of water immediately. After the water has been swallowed, try to get the person to vomit by having him or her touch the back of the throat with his or her finger. Do not make an unconscious person vomit. Get medical attention immediately.

((E:)) (e) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, attempt rescue only after notifying at least one other person of the emergency and putting into effect established emergency procedures. Do not become a casualty yourself. Understand your emergency rescue procedures and know the location of the emergency equipment before the need arises.

((HV:)) (4) Respirators and Protective Clothing

((A:)) (a) Respirators:

(i) You may be required to wear a respirator for nonroutine activities, in emergencies, while your employer is in the process of reducing EtO exposure through engineering controls, and where engineering controls are not feasible. As of the effective date of the standard, only air supplied positive-pressure, full-facepiece respirators are approved for protection against EtO. If air-purifying respirators are worn in the future, they must have a joint Mine Safety and Health Administration (MSHA) and National Institute for Occupational Safety and Health (NIOSH) label of approval for use with ethylene oxide. For effective protection, respirators must fit your face and head snugly. Respirators should not be loosened or removed in work situations where their use is required.

(ii) EtO does not have a detectable odor except at levels well above the permissible exposure limits. If you can smell EtO while wearing a

respirator, proceed immediately to fresh air. If you experience difficulty breathing while wearing a respirator, tell your employer.

((B-)) (b) Protective clothing:

(i) You may be required to wear impermeable clothing, gloves, a face shield, or other appropriate protective clothing to prevent skin contact with liquid EtO or EtO-containing solutions. Where protective clothing is required, your employer must provide clean garments to you as necessary to assure that the clothing protects you adequately.

(ii) Replace or repair protective clothing that has become torn or otherwise damaged.

(iii) EtO must never be allowed to remain on the skin. Clothing and shoes which are not impermeable to EtO should not be allowed to become contaminated with EtO, and if they do, the clothing should be promptly removed and decontaminated. Contaminated leather shoes should be discarded. Once EtO penetrates shoes or other leather articles, they should not be worn again.

((E-)) (c) Eye protection: You must wear splashproof safety goggles in areas where liquid EtO or EtO-containing solutions may contact your eyes. In addition, contact lenses should not be worn in areas where eye contact with EtO can occur.

((V-)) (5) Precautions for Safe Use, Handling, and Storage

((A-)) (a) EtO is a flammable liquid, and its vapors can easily form explosive mixtures in air.

((B-)) (b) EtO must be stored in tightly closed containers in a cool, well-ventilated area, away from heat, sparks, flames, strong oxidizers, alkalines, and acids, strong bases, acetylide forming metals such as copper, silver, mercury and their alloys.

((E-)) (c) Sources of ignition such as smoking material, open flames and some electrical devices are prohibited wherever EtO is handled, used, or stored in a manner that could create a potential fire or explosion hazard.

((D-)) (d) You should use ((non-sparking)) nonsparking tools when opening or closing metal containers of EtO, and containers must be bonded and grounded in the rare instances in which liquid EtO is poured or transferred.

((E-)) (e) Impermeable clothing wet with liquid EtO or EtO-containing solutions may be easily ignited. If you are wearing impermeable clothing and are splashed with liquid EtO or EtO-containing solution, you should immediately remove the clothing while under an emergency deluge shower.

((F-)) (f) If your skin comes into contact with liquid EtO or EtO-containing solutions, you should immediately remove the EtO using an emergency deluge shower.

((G-)) (g) You should not keep food, beverages, or smoking materials in regulated areas where employee exposures are above the permissible exposure limits.

((H-)) (h) Fire extinguishers and emergency deluge showers for quick drenching should be readily available, and you should know where they are and how to operate them.

((H-)) (i) Ask your supervisor where EtO is used in your work area and for any additional plant safety and health rules.

((VH-)) (6) Access to Information

((A-)) (a) Each year, your employer is required to inform you of the information contained in this standard and appendices for EtO. In addition, your employer must instruct you in the proper work practices for using EtO emergency procedures, and the correct use of protective equipment.

((B-)) (b) Your employer is required to determine whether you are being exposed to EtO. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to within permissible exposure limits.

((E-)) (c) Your employer is required to keep records of your exposures and medical examinations. These exposure records must be kept by the employer for at least thirty years. Medical records must be kept for the period of your employment plus thirty years.

((B-)) (d) Your employer is required to release your exposure and medical records to your physician or designated representative upon your written request.

((VH-)) (7) Sterilant Use of EtO in Hospitals and Health Care Facilities.

(a) This section of Appendix A, for informational purposes, sets forth EPA's recommendations for modifications in workplace design and practice in hospitals and health care facilities for which the Environmental Protection Agency has registered EtO for uses as a sterilant

or fumigant under the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136 et seq. These new recommendations, published in the Federal Register by EPA at 49 FR 15268, as modified in today's Register, are intended to help reduce the exposure of hospital and health care workers to EtO to 1 ppm. EPA's recommended workplace design and workplace practice are as follows:

((+)) (i) Workplace Design

((+)) (A) Installation of gas line hand valves. Hand valves must be installed on the gas supply line at the connection to the supply cylinders to minimize leakage during cylinder change.

((+)) (B) Installation of capture boxes. Sterilizer operations result in a gas/water discharge at the completion of the process. This discharge is routinely piped to a floor drain which is generally located in an equipment or an adjacent room. When the floor drain is not in the same room as the sterilizer and workers are not normally present, all that is necessary is that the room be well ventilated.

(C) The installation of a "capture box" will be required for those work place layouts where the floor drain is located in the same room as the sterilizer or in a room where workers are normally present. A "capture box" is a piece of equipment that totally encloses the floor drain where the discharge from the sterilizer is pumped. The "capture box" is to be vented directly to a ((non-recirculating)) nonrecirculating or dedicated ventilation system. Sufficient air intake should be allowed at the bottom of the box to handle the volume of air that is ventilated from the top of the box. The "capture box" can be made of metal, plastic, wood or other equivalent material. The box is intended to reduce levels of EtO discharged into the work room atmosphere. The use of a "capture box" is not required if: ((+)) (I) The vacuum pump discharge floor drain is located in a well ventilated equipment or other room where workers are not normally present or ((+)) (II) the water sealed vacuum pump discharges directly to a closed sealed sewer line (check local plumbing codes).

(D) If it is impractical to install a vented "capture box" and a well ventilated equipment or other room is not feasible, a box that can be sealed over the floor drain may be used if: ((+)) (I) The floor drain is located in a room where workers are not normally present and EtO cannot leak into an occupied area, and ((+)) (II) the sterilizer in use is less than 12 cubic feet in capacity (check local plumbing codes((-));

((-)) (ii) Ventilation of aeration units.

((+)) (A) Existing aeration units. Existing units must be vented to a ((non-recirculating)) nonrecirculating or dedicated system or vented to an equipment or other room where workers are not normally present and which is well ventilated. Aerator units must be positioned as close as possible to the sterilizer to minimize the exposure from the off-gassing of sterilized items.

((+)) (B) Installation of new aerator units (where none exist). New aerator units must be vented as described above for existing aerators. Aerators must be in place by July 1, 1986.

((+)) (iii) Ventilation during cylinder change. Workers may be exposed to short but relatively high levels of EtO during the change of gas cylinders. To reduce exposure from this route, users must select one of three alternatives designed to draw off gas that may be released when the line from the sterilizer to the cylinder is disconnected:

((+)) (A) Location of cylinders in a well ventilated equipment room or other room where workers are not normally present.

((+)) (B) Installation of a flexible hose (at least ((+)) four inches in diameter) to a nonrecirculating or dedicated ventilation system and located in the area of cylinder change in such a way that the hose can be positioned at the point where the sterilizer gas line is disconnected from the cylinder.

((+)) (C) Installation of a hood that is part of a nonrecirculating or dedicated system and positioned no more than one foot above the point where the change of cylinders takes place.

((-)) (iv) Ventilation of sterilizer door area. One of the major sources of exposure to EtO occurs when the sterilizer door is opened following the completion of the sterilization process. In order to reduce this avenue of exposure, a hood or metal canopy closed on each end must be installed over the sterilizer door. The hood or metal canopy must be connected to a ((non-recirculating)) nonrecirculating or dedicated ventilation system or one that exhausts gases to a well ventilated equipment or other room where workers are not normally present. A hood or canopy over the sterilizer door is required for use even with those sterilizers that have a purge cycle and must be in place by July 1, 1986.

((-)) (v) Ventilation of sterilizer relief valve. Sterilizers are typically equipped with a safety relief device to release gas in case of increased pressure in the sterilizer. Generally, such relief devices are used on

pressure vessels. Although these pressure relief devices are rarely opened for hospital and health care sterilizers, it is suggested that they be designed to exhaust vapor from the sterilizer by one of the following methods:

((r-)) (A) Through a pipe connected to the outlet of the relief valve vented directly outdoors at a point high enough to be away from passers by, and not near any windows that open, or near any air conditioning or ventilation air intakes.

((r-)) (B) Through a connection to an existing or new nonrecirculating or dedicated ventilation system.

((r-)) (C) Through a connection to a well ventilated equipment or other room where workers are not normally present.

((g-)) (vi) Ventilation systems. Each hospital and health care facility affected by this notice that uses EtO for the sterilization of equipment and supplies must have a ventilation system which enables compliance with the requirements of ((section (b) through (f))) (a)(i)(B) through (v) of this subsection in the manner described in these sections and within the timeframes allowed. Thus, each affected hospital and health care facility must have or install a nonrecirculating or dedicated ventilation equipment or other room where workers are not normally present in which to vent EtO.

((h-)) (vii) Installation of alarm systems. An audible and visual indicator alarm system must be installed to alert personnel of ventilation system failures, i.e., when the ventilation fan motor is not working.

((z-)) (b) Workplace Practices

((i)) All the workplace practices discussed in this unit must be permanently posted near the door of each sterilizer prior to use by any operator.

((A-)) (ii) Changing of supply line filters.

Filters in the sterilizer liquid line must be changed when necessary, by the following procedure:

((t-)) (A) Close the cylinder valve and the hose valve.

((r-)) (B) Disconnect the cylinder hose (piping) from the cylinder.

((r-)) (C) Open the hose valve and bleed slowly into a proper ventilating system at or near the in-use supply cylinders.

((r-)) (D) Vacate the area until the line is empty.

((r-)) (E) Change the filter.

((r-)) (F) Reconnect the lines and reverse the valve position.

((r-)) (G) Check hoses, filters, and valves for leaks with a fluorocarbon leak detector (for those sterilizers using the ((88)) eighty-eight percent chlorofluorocarbon, ((t2)) twelve percent ethylene oxide mixture (12/88)).

((b-)) (iii) Restricted access area.

((r-)) (A) Areas involving use of EtO must be designated as restricted access areas. They must be identified with signs or floor marks near the sterilizer door, aerator, vacuum pump floor drain discharge, and in-use cylinder storage.

((r-)) (B) All personnel must be excluded from the restricted area when certain operations are in progress, such as discharging a vacuum pump, emptying a sterilizer liquid line, or venting a ((non-purge)) nonpurge sterilizer with the door ajar or other operations where EtO might be released directly into the face of workers.

((e-)) (iv) Door opening procedures.

((i-)) (A) Sterilizers with purge cycles. A load treated in a sterilizer equipped with a purge cycle should be removed immediately upon completion of the cycle (provided no time is lost opening the door after cycle is completed). If this is not done, the purge cycle should be repeated before opening door.

((r-)) (B) Sterilizers without purge cycles. For a load treated in a sterilizer not equipped with a purge cycle, the sterilizer door must be ajar ((6+) six inches for ((t5)) fifteen minutes, and then fully opened for at least another ((t5)) fifteen minutes before removing the treated load. The length of time of the second period should be established by peak monitoring for one hour after the two ((t5)) fifteen-minute periods suggested. If the level is above 10 ppm time-weighted average for ((8)) eight hours, more time should be added to the second waiting period (door wide open). However, in no case may the second period be shortened to less than ((t5)) fifteen minutes.

((d-)) (v) Chamber unloading procedures.

((r-)) (A) Procedures for unloading the chamber must include the use of baskets or rolling carts, or baskets and rolling tables to transfer treated loads quickly, thus avoiding excessive contact with treated articles, and reducing the duration of exposures.

((r-)) (B) If rolling carts are used, they should be pulled not pushed by the sterilizer operators to avoid offgassing exposure.

((e-)) (vi) Maintenance. A written log should be instituted and maintained documenting the date of each leak detection and any

maintenance procedures undertaken. This is a suggested use practice and is not required.

((r-)) (vii) Leak detection. Sterilizer door gaskets, cylinder and vacuum piping, hoses, filters, and valves must be checked for leaks under full pressure with a Fluorocarbon leak detector (for 12/88 systems only) every two weeks by maintenance personnel. Also, the cylinder piping connections must be checked after changing cylinders. Particular attention in leak detection should be given to the automatic solenoid valves that control the flow of EtO to the sterilizer. Specifically, a check should be made at the EtO gasline entrance port to the sterilizer, while the sterilizer door is open and the solenoid valves are in a closed position.

((r-)) (viii) Maintenance procedures. Sterilizer/aerator door gaskets, valves, and fittings must be replaced when necessary as determined by maintenance personnel in their biweekly checks; in addition, visual inspection of the door gaskets for cracks, debris, and other foreign substances should be conducted daily by the operator.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07385 APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES FOR ETHYLENE OXIDE (NONMANDATORY). ((t-)) (1) Physical and Chemical Data:

((A-)) (a) Substance identification:

((t-)) (i) Synonyms: Dihydroxiprene, dimethylene oxide, EO, 1,2-epoxyethane, EtO, ETO, oxacyclopropane, oxane, oxidoethane, alpha/beta-oxidoethane, oxiran, oxirane.

((z-)) (ii) Formula: (C₂H₄O).

((z-)) (iii) Molecular weight: 44.06.

((B-)) (b) Physical data:

((t-)) (i) Boiling point (760 mm Hg): 10.70°C (51.3°F);

((z-)) (ii) Specific gravity (water = 1): 0.87 (at 20°C or 68°F);

((z-)) (iii) Vapor density (air = 1): 1.49;

((t-)) (iv) Vapor pressure (at 20°C): 1,095 mm Hg;

((z-)) (v) Solubility in water: Complete;

((z-)) (vi) Appearance and odor: Colorless liquid; gas at temperature above 10.7°F or 51.3°C with ether-like odor above 700 ppm.

((H-)) (2) Fire, Explosion, and Reactivity Hazard Data:

((A-)) (a) Fire((:)):

((t-)) (i) Flash point; Less than 0°F (open cup);

((z-)) (ii) Stability: Decomposes violently at temperatures above 800°F;

((z-)) (iii) Flammable limits in air, percent by volume: Lower: 3, Upper: 100;

((t-)) (iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires;

((z-)) (v) Special fire fighting procedures: Dilution of ethylene oxide with 23 volumes of water renders it non-flammable;

((z-)) (vi) Unusual fire and explosion hazards: Vapors of EtO will burn without the presence of air or other oxidizers. EtO vapors are heavier than air and may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which EtO is being used.

((t-)) (vii) For purposes of compliance with the requirements of ((29 CFR 1910.106)) WAC 296-24-330, EtO is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

((t-)) (viii) For purposes of compliance with ((29 CFR 1910.155)) WAC 296-24-585, EtO is classified as a Class B fire hazard.

((t-)) (ix) For purpose of compliance with ((29 CFR 1919.307)) WAC 296-24-956, locations classified as hazardous due to the presence of EtO shall be Class I.

((B-)) (b) Reactivity:

((t-)) (i) Conditions contributing to instability: EtO will polymerize violently if contaminated with aqueous alkalis, amines, mineral acids, metal chlorides, or metal oxides. Violent decomposition will also occur at temperatures above 800°F;

((z-)) (ii) Incompatibilities: Alkalines and acids;

((z-)) (iii) Hazardous decomposition products: Carbon monoxide and carbon dioxide.

((H-)) (3) Spill, Leak, and Disposal Procedures:

((A-)) (a) If EtO is spilled or leaked, the following steps should be taken:

((t-)) (i) Remove all ignition sources.

~~(Z-)~~ (ii) The area should be evacuated at once and re-entered only after the area has been thoroughly ventilated and washed down with water.

~~(B-)~~ (b) Persons not wearing appropriate protective equipment should be restricted from areas of spills or leaks until cleanup has been completed.

~~(C-)~~ (c) Waste disposal method: Waste material should be disposed of in a manner that is not hazardous to employees or to the general population. In selecting the method of waste disposal, applicable local, State, and Federal regulations should be consulted.

~~(HV-)~~ (4) Monitoring and Measurement Procedures:

~~(A-)~~ (a) Exposure above the permissible exposure limit:

~~(+)~~ (i) Eight-hour exposure evaluation: Measurements taken for the purpose of determining employee exposure under this section are best taken with consecutive samples covering the full shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee.)

~~(Z-)~~ (ii) Monitoring techniques: The sampling and analysis under this section may be performed by collection of the EtO vapor on charcoal adsorption tubes or other composition adsorption tubes, with subsequent chemical analysis. Sampling and analysis may also be performed by instruments such as real time continuous monitoring systems, portable direct reading instruments, or passive dosimeters as long as measurements taken using these methods accurately evaluate the concentration of EtO in employees' breathing zones.

(iii) Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with EtO. Other available methods are also described in Appendix D. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring should be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of EtO at 1 ppm, and to plus or minus 35 percent for concentrations at 0.5 ppm. In addition to the method described in Appendix D, there are numerous other methods available for monitoring for EtO in the workplace. Details on these other methods have been submitted by various companies to the rulemaking record, and are available at the OSHA Docket Office.

~~(B-)~~ (b) Since many of the duties relating to employee exposure are dependent on the results of measurement procedures, employers should assure that the evaluation of employee exposures is performed by a technically qualified person.

~~(V-)~~ (5) Protective Clothing and Equipment:

(a) Employees should be provided with and be required to wear appropriate protective clothing wherever there is significant potential for skin contact with liquid EtO or EtO-containing solutions. Protective clothing shall include impermeable coveralls or similar full-body work clothing, gloves, and head coverings, as appropriate to protect areas of the body which may come in contact with liquid EtO or EtO-containing solutions.

(b) Employers should ascertain that the protective garments are impermeable to EtO. Permeable clothing, including items made of rubber, and leather shoes should not be allowed to become contaminated with liquid EtO. If permeable clothing does become contaminated, it should be immediately removed, while the employer is under an emergency deluge shower. If leather footwear or other leather garments become wet from EtO they should be discarded and not be worn again, because leather absorbs EtO and holds it against the skin.

(c) Any protective clothing that has been damaged or is otherwise found to be defective should be repaired or replaced. Clean protective clothing should be provided to the employee as necessary to assure employee protection. Whenever impermeable clothing becomes wet with liquid EtO, it should be washed down with water before being removed by the employee. Employees are also required to wear splashproof safety goggles where there is any possibility of EtO contacting the eyes.

~~(VF-)~~ (6) Miscellaneous Precautions:

~~(A-)~~ (a) Store EtO in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

~~(B-)~~ (b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded and bonded.

~~(C-)~~ (c) Do not incinerate EtO cartridges, tanks or other containers.

~~(D-)~~ (d) Employers should advise employees of all areas and operations where exposure to EtO occurs.

~~(VH-)~~ (7) Common Operations:

Common operations in which exposure to EtO is likely to occur include the following: (a) Manufacture of EtO, (b) surfactants, (c) ethanalamines, (d) glycol ethers, ~~(and)~~ (e) specialty chemicals, and (f) use as a sterilant in the hospital, health product and spice industries.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07387 APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR ETHYLENE OXIDE (NONMANDATORY). ~~(F-)~~ (1) Route of Entry: Inhalation.

~~(H-)~~ (2) Toxicology:

(a) Clinical evidence of adverse effects associated with the exposure to EtO is present in the form of increased incidence of cancer in laboratory animals (leukemia, stomach, brain), mutation in offspring in animals, and resorptions and spontaneous abortions in animals and human populations respectively. Findings in humans and experimental animals exposed to airborne concentrations of EtO also indicate damage to the genetic material (DNA). These include hemoglobin alkylation, unscheduled DNA synthesis, sister chromatid exchange chromosomal aberration, and functional sperm abnormalities.

(b) Ethylene oxide in liquid form can cause eye irritation and injury to the cornea, frostbite, severe irritation, and blistering of the skin upon prolonged or confined contact. Ingestion of EtO can cause gastric irritation and liver injury. Other effects from inhalation of EtO vapors include respiratory irritation and lung injury, headache, nausea, vomiting, diarrhea, dyspnea and cyanosis.

~~(HH-)~~ (3) Signs and Symptoms of Acute Overexposure:

(a) The early effects of acute overexposure to EtO are nausea and vomiting, headache, and irritation of the eyes and respiratory passages. The patient may notice a "peculiar taste" in the mouth. Delayed effects can include pulmonary edema, drowsiness, weakness, and incoordination. Studies suggest that blood cell changes, an increase in chromosomal aberrations, and spontaneous abortion may also be casually related to acute overexposure to EtO.

(b) Skin contact with liquid or gaseous EtO causes characteristic burns and possible even an allergic-type sensitization. The edema and erythema occurring from skin contact with EtO progress to vesiculation with a tendency to coalesce into blebs with desquamation. Healing occurs within three weeks, but there may be a residual brown pigmentation. A 40-80% solution is extremely dangerous, causing extensive blistering after only brief contact. Pure liquid EtO causes frostbite because of rapid evaporation. In contrast, the eye is relatively insensitive to EtO, but there may be some irritation of the cornea.

(c) Most reported acute effects of occupational exposure to EtO are due to contact with EtO in liquid phase. The liquid readily penetrates rubber and leather, and will produce blistering if clothing or footwear contaminated with EtO are not removed.

~~(HV-)~~ (4) Surveillance and Preventive Considerations:

(a) As noted above, exposure to EtO has been linked to an increased risk of cancer and reproductive effects including decreased male fertility, fetotoxicity, and spontaneous abortion. EtO workers are more likely to have chromosomal damage than similar groups not exposed to EtO. At the present, limited studies of chronic effects in humans resulting from exposure to EtO suggest a causal association with leukemia. Animal studies indicate leukemia and cancers at other sites (brain, stomach) as well. The physician should be aware of the findings of these studies in evaluating the health of employees exposed to EtO.

(b) Adequate screening tests to determine an employee's potential for developing serious chronic diseases, such as cancer, from exposure to EtO do not presently exist. Laboratory tests may, however, give evidence to suggest that an employee is potentially overexposed to EtO. It is important for the physician to become familiar with the operating conditions in which exposure to EtO is likely to occur. The physician also must become familiar with the signs and symptoms that indicate a worker is receiving otherwise unrecognized and unacceptable exposure to EtO. These elements are especially important in evaluating the medical and work histories and in conducting the physical exam. When an unacceptable exposure in an active employee is identified by the physician, measures taken by the employer to lower exposure should also lower the risk of serious long-term consequences.

(c) The employer is required to institute a medical surveillance program for all employees who are or will be exposed to EtO at or above the action level (0.5 ppm) for at least 30 days per year, without regard to respirator use. All examinations and procedures must be performed by or under the supervision of a licensed physician at a reasonable time and place for the employee and at no cost to the employee.

(d) Although broad latitude in prescribing specific tests to be included in the medical surveillance program is extended to the examining physician, ((OSHA)) WISHA requires inclusion of the following elements in the routine examination:

(i) Medical and work histories with special emphasis directed to symptoms related to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(ii) Physical examination with particular emphasis given to the pulmonary, hematologic, neurologic, and reproductive systems and to the eyes and skin.

(iii) Complete blood count to include at least a white cell count (including differential cell count), red cell count, hematocrit, and hemoglobin.

(iv) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

(e) If requested by the employee, the medical examinations shall include pregnancy testing or laboratory evaluation of fertility as deemed appropriate by the physician.

(f) In certain cases, to provide sound medical advice to the employer and the employee, the physician must evaluate situations not directly related to EtO. For example, employees with skin diseases may be unable to tolerate wearing protective clothing. In addition those with chronic respiratory diseases may not tolerate the wearing of negative pressure (air purifying) respirators. Additional tests and procedures that will help the physician determine which employees are medically unable to wear such respirators should include: An evaluation of cardiovascular function, a baseline chest x-ray to be repeated at five year intervals, and a pulmonary function test to be repeated every three years. The pulmonary function test should include measurement of the employee's forced vital capacity (FVC), forced expiratory volume at one second (FEV1), as well as calculation of the ratios of FEV1 to FVC, and measured FVC and measured FEV1 to expected values corrected for variation due to age, sex, race, and height.

(g) The employer is required to make the prescribed tests available at least annually to employees who are or will be exposed at or above the action level, for 30 or more days per year; more often than specified if recommended by the examining physician; and upon the employee's termination of employment or reassignment to another work area. While little is known about the long-term consequences of high short-term exposures, it appears prudent to monitor such affected employees closely in light of existing health data. The employer shall provide physician recommended examinations to any employee exposed to EtO in emergency conditions. Likewise, the employer shall make available medical consultations including physician recommended exams to employees who believe they are suffering signs or symptoms of exposure to EtO.

(h) The employer is required to provide the physician with the following information: a copy of this standard and its appendices; a description of the affected employee's duties as they relate to the employee exposure level; and information from the employee's previous medical examinations which is not readily available to the examining physician. Making this information available to the physician will aid in the evaluation of the employee's health in relation to assigned duties and fitness to wear personal protective equipment, when required.

(i) The employer is required to obtain a written opinion from the examining physician containing the results of the medical examinations; the physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of his or her health from exposure to EtO; any recommended restrictions upon the employee's exposure to EtO, or upon the use of protective clothing or equipment such as respirators; and a statement that the employee has been informed by the physician of the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion must not reveal specific findings or diagnoses unrelated to occupational exposure to EtO, and a copy of the opinion must be provided to the affected employee.

(j) The purpose in requiring the examining physician to supply the employer with a written opinion is to provide the employer with a medical basis to aid in the determination of initial placement of employees and to assess the employee's ability to use protective clothing and equipment.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07389 APPENDIX D—SAMPLING AND ANALYTICAL METHODS FOR ETHYLENE OXIDE (NONMANDATORY). (1) A number of methods are available for monitoring employee exposures to EtO. Most of these involve the use of charcoal tubes and sampling pumps, followed by analysis of the samples by gas chromatograph. The essential differences between the charcoal tube methods include, among others, the use of different desorbing solvents, the use of different lots of charcoal, and the use of different equipment for analysis of the samples. Besides charcoal, methods using passive dosimeters, gas sampling bags, impingers, and detector tubes have been utilized for determination of EtO exposure. In addition, there are several commercially available portable gas analyzers and monitoring units. This appendix contains details for the method which has been tested at the OSHA Analytical Laboratory in Salt Lake City. Inclusion of this method in the appendix does not mean that this method is the only one which will be satisfactory. Copies of descriptions of other methods available are available in the rulemaking record, and may be obtained from the OSHA Docket Office. These include the Union Carbide, Dow Chemical, 3M, and DuPont methods, as well as NIOSH Method S-286. These methods are briefly described at the end of this appendix.

(2) Employers who note problems with sample breakthrough using the OSHA or other charcoal methods should try larger charcoal tubes. Tubes of larger capacity are available. In addition, lower flow rates and shorter sampling times should be beneficial in minimizing breakthrough problems. Whatever method the employer chooses, he must assure himself of the method's accuracy and precision under the unique conditions present in his workplace.

(3) Ethylene Oxide:

(a) Method No.: 30.

(b) Matrix: Air.

(i) Target Concentration: 1.0 ppm (1.8 mg/m³)

(ii) Procedure: Samples are collected on two charcoal tubes in series and desorbed with 1% CS₂ in benzene. The samples are derivatized with HBr and treated with sodium carbonate. Analysis is done by gas chromatography with an electron capture detector.

(iii) Recommended Air Volume and Sampling Rate: 1 liter and 0.05 Lpm.

(iv) Detection Limit of the Overall Procedure: 13.3 ppb (0.024 mg/m³) (based on 1.0 liter air sample).

(v) Reliable Quantitation Limit: 52.2 ppb (0.094 mg/m³) (based on 1.0 liter air sample).

(vi) Standard Error of Estimate: 6.59% (see backup section 4.6).

(vii) Special Requirements: Samples must be analyzed within 15 days of sampling date.

(viii) Status of Method: The sampling and analytical method has been subject to the established evaluation procedures of the Organic Method Evaluations Branch.

(c) Date: August 1981.

(d) Chemist: Wayne D. Potter

(e) Organic Solvents Branch, OSHA Analytical Laboratory, Salt Lake City, Utah

((+)) (f) General Discussion((-):

((++)) (i) Background.

((+++)) (A) History of Procedure.

(I) Ethylene oxide samples analyzed at the OSHA Laboratory have normally been collected on activated charcoal and desorbed with carbon disulfide. The analysis is performed with a gas chromatograph equipped with a FID (flame ionization detector) as described in NIOSH Method S286 (Ref. ((5++)) (3)(j)(i)). This method is based on a PEL of 50 ppm and has a detection limit of about 1 ppm.

(II) Recent studies have prompted the need for a method to analyze and detect ethylene oxide at very low concentrations.

(III) Several attempts were made to form an ultraviolet (UV) sensitive derivative with ethylene oxide for analysis with HPLC. Among those tested that gave no detectable product were: p-anisidine, methylimidazole, aniline, and 2,3,6-trichlorobenzoic acid. Each was tested with catalysts such as triethylamine, aluminum chloride, methylene chloride and sulfuric acid but no detectable derivative was produced.

(IV) The next derivatization attempt was to react ethylene oxide with HBr to form 2-bromoethanol. This reaction was successful. An ECD (electron capture detector) gave a very good response for 2-bromoethanol due to the presence of bromine. The use of carbon disulfide as the desorbing solvent gave too large a response and masked

the 2-bromoethanol. Several other solvents were tested for both their response on the ECD and their ability to desorb ethylene oxide from the charcoal. Among those tested were toluene, xylene, ethyl benzene, hexane, cyclohexane and benzene. Benzene was the only solvent tested that gave a suitable response on the ECD and a high desorption. It was found that the desorption efficiency was improved by using 1% CS₂ with the benzene. The carbon disulfide did not significantly improve the recovery with the other solvents. SKC Lot 120 was used in all tests done with activated charcoal.

((1-2)) (B) Physical Properties (Ref. ((5-2-5.4-)) (3)(i)(ii) - (iv)):

(I) Synonyms: Oxirane; dimethylene oxide; 1,2-epoxy-ethane; oxane; C₂H₄O; ETO;

(II) Molecular Weight: 44.06;

(III) Boiling Point: 10.7°C (51.3°);

(IV) Melting Point: -111°C;

(V) Description: Colorless, flammable gas;

(VI) Vapor Pressure: 1095 mm. at 20°C;

(VII) Odor: Ether-like odor;

(VIII) Lower Explosive Limits: 3.0% (by volume);

(IX) Flash Point (TOC): Below 0°F;

(X) Molecular Structure: CH₂-CH₂;

((1-2)) (ii) Limit Defining Parameters(;;):

((1-2-1)) (A) Detection Limit of the Analytical Procedure. The detection limit of the analytical procedure is 12.0 picograms of ethylene oxide per injection. This is the amount of analyte which will give a peak whose height is five times the height of the baseline noise. (See backup data section ((4-1-)) (3)(i)(i).)

((1-2-2)) (B) Detection Limit of the Overall Procedure.

(I) The detection limit of the overall procedure is 24.0 ng of ethylene oxide per sample.

(II) This is the amount of analyte spiked on the sampling device which allows recovery of an amount of analyte equivalent to the detection limit of the analytical procedure. (See backup data section ((4-2-)) (3)(i)(ii).)

((1-2-3)) (C) Reliable Quantitation Limit.

(I) The reliable quantitation limit is 94.0 nanograms of ethylene oxide per sample. This is the smallest amount of analyte which can be quantitated within the requirements of 75% recovery and 95% confidence limits. (See backup data section ((4-2-)) (3)(i)(ii).)

(II) It must be recognized that the reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operating parameters. In this case, the limits reported on analysis reports will be based on the operating parameters used during the analysis of the samples.

((1-2-4)) (D) Sensitivity.

(I) The sensitivity of the analytical procedure over a concentration range representing 0.5 to 2 times the target concentration based on the recommended air volume is 34105 area units per ug/mL. The sensitivity is determined by the slope of the calibration curve (see backup data section ((4-3-)) (3)(i)(iii)).

(II) The sensitivity will vary somewhat with the particular instrument used in the analysis.

((1-2-5)) (E) Recovery. The recovery of analyte from the collection medium must be 75% or greater. The average recovery from spiked samples over the range of 0.5 to 2 times the target concentration is 88.0% (see backup section ((4-4-)) (3)(i)(iv)). At lower concentrations the recovery appears to be non-linear.

((1-2-6)) (F) Precision (analytical method only). The pooled coefficient of variation obtained from replicate determination of analytical standards at 0.5X, 1X and 2X the target concentration is 0.036 (see backup data section ((4-5-)) (3)(i)(v)).

((1-2-7)) (G) Precision (overall procedure).

(I) The overall procedure must provide results at the target concentration that are 25% or better at the 95% confidence level. The precision at the 95% confidence level for the 15 day storage test is plus or minus 12.9% (see backup data section ((4-6-)) (3)(i)(vi)).

(II) This includes an additional plus or minus 5% for sampling error.

((1-3-)) (iii) Advantages.

((1-3-1)) (A) The sampling procedure is convenient.

((1-3-2)) (B) The analytical procedure is very sensitive and reproducible.

((1-3-3)) (C) Reanalysis of samples is possible.

((1-3-4)) (D) Samples are stable for at least 15 days at room temperature.

((1-3-5)) (E) Interferences are reduced by the longer GC retention time of the new derivative.

((1-4-)) (iv) Disadvantages.

((1-4-1)) (A) Two tubes in series must be used because of possible breakthrough and migration.

((1-4-2)) (B) The precision of the sampling rate may be limited by the reproducibility of the pressure drop across the tubes. The pumps are usually calibrated for one tube only.

((1-4-3)) (C) The use of benzene as the desorption solvent increases the hazards of analysis because of the potential carcinogenic effects of benzene.

((1-4-4)) (D) After repeated injections there can be a buildup of residue formed on the electron capture detector which decreases sensitivity.

((1-4-5)) (E) Recovery from the charcoal tubes appears to be non-linear at low concentrations.

((2-)) (g) Sampling Procedure.

((2-1)) (i) Apparatus.

((2-1-1)) (A) A calibrated personal sampling pump whose flow can be determined within plus or minus 5% of the recommended flow.

((2-1-2)) (B) SKC Lot 120 Charcoal tubes: glass tube with both ends flame sealed, 7 cm long with a 6 mm O.D. and a 4-mm I.D., containing 2 sections of coconut shell charcoal separated by a 2-mm portion of urethane foam. The adsorbing section contains 100 mg of charcoal, the backup section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the backup section. A plug of silylated glass wool is placed in front of the adsorbing section.

((2-2)) (ii) Reagents.

((2-2-1)) None required.

((2-3)) (iii) Sampling Technique.

((2-3-1)) (A) Immediately before sampling, break the ends of the charcoal tubes. All tubes must be from the same lot.

((2-3-2)) (B) Connect two tubes in series to the sampling pump with a short section of flexible tubing. A minimum amount of tubing is used to connect the two sampling tubes together. The tube closer to the pump is used as a backup. This tube should be identified as the backup tube.

((2-3-3)) (C) The tubes should be placed in a vertical position during sampling to minimize channeling.

((2-3-4)) (D) Air being sampled should not pass through any hose or tubing before entering the charcoal tubes.

((2-3-5)) (E) Seal the charcoal tubes with plastic caps immediately after sampling. Also, seal each sample with OSHA seals lengthwise.

((2-3-6)) (F) With each batch of samples, submit at least one blank tube from the same lot used for samples. This tube should be subjected to exactly the same handling as the samples (break, seal, transport) except that no air is drawn through it.

((2-3-7)) (G) Transport the samples (and corresponding paperwork) to the lab for analysis.

((2-3-8)) (H) If bulk samples are submitted for analysis, they should be transported in glass containers with Teflon-lined caps. These samples must be mailed separately from the container used for the charcoal tubes.

((2-4-)) (iv) Breakthrough.

((2-4-1)) The breakthrough (5% breakthrough) volume for a 3.0 mg/m ethylene oxide sample stream at approximately 85% relative humidity, 22°C and 633 mm is 2.6 liters sampled at 0.05 liters per minute. This is equivalent to 7.8 µg of ethylene oxide. Upon saturation of the tube it appeared that the water may be displacing ethylene oxide during sampling.

((2-5-)) (v) Desorption Efficiency.

((2-5-1)) (A) The desorption efficiency, from liquid injection onto charcoal tubes, averaged 88.0% from 0.5 to 2.0 x the target concentration for a 1.0 liter air sample. At lower ranges it appears that the desorption efficiency is nonlinear (see backup data section ((4-2-)) (3)(i)(ii)).

((2-5-2)) (B) The desorption efficiency may vary from one laboratory to another and also from one lot of charcoal to another. Thus, it is necessary to determine the desorption efficiency for a particular lot of charcoal.

((2-6-)) (vi) Recommended Air Volume and Sampling Rate.

((2-6-1)) (A) The recommended air volume is 1.0 liter.

((2-6-2)) (B) The recommended maximum sampling rate is 0.05 Lpm.

((2-7-)) (vii) Interferences.

((2-7-1)) (A) Ethylene glycol and Freon 12 at target concentration levels did not interfere with the collection of ethylene oxide.

((2-7-2)) (B) Suspected interferences should be listed on the sample data sheets.

((2-7-3)) (C) The relative humidity may affect the sampling procedure.

((2-8)) (viii) Safety Precautions.

((2-8-1)) (A) Attach the sampling equipment to the employee so that it does not interfere with work performance.

((2-8-2)) (B) Wear safety glasses when breaking the ends of the sampling tubes.

((2-8-3)) (C) If possible, place the sampling tubes in a holder so the sharp end is not exposed while sampling.

((3-) (h) Analytical Method.

((3-1) (i) Apparatus.

((3-1-1)) (A) Gas chromatograph equipped with a linearized electron capture detector.

((3-1-2)) (B) GC column capable of separating the derivative of ethylene oxide (2-bromoethanol) from any interferences and the 1% CS₂ in benzene solvent. The column used for validation studies was: 10 ft x 1/8 inch stainless steel 20% SP-2100, .1% Carbowax 1500 on 100/120 Supelcoport.

((3-1-3)) (C) An electronic integrator or some other suitable method of measuring peak areas.

((3-1-4)) (D) Two milliliter vials with Teflon-lined caps.

((3-1-5)) (E) Gas tight syringe—500 μL or other convenient sizes for preparing standards.

((3-1-6)) (F) Microliter syringes—10 μL or other convenient sizes for diluting standards and 1 μL for sample injections.

((3-1-7)) (G) Pipets for dispensing the 1% CS₂ in benzene solvent. The Glenco 1 mL dispenser is adequate and convenient.

((3-1-8)) (H) Volumetric flasks—5 mL and other convenient sizes for preparing standards.

((3-1-9)) (I) Disposable Pasteur pipets.

((3-2) (ii) Reagents.

((3-2-1)) (A) Benzene, reagent grade.

((3-2-2)) (B) Carbon Disulfide, reagent grade.

((3-2-3)) (C) Ethylene oxide, 99.7% pure.

((3-2-4)) (D) Hydrobromic Acid, 48% reagent grade.

((3-2-5)) (E) Sodium Carbonate, anhydrous, reagent grade.

((3-2-6)) (F) Desorbing reagent, 99% Benzene/1% CS₂.

((3-3) (iii) Sample Preparation.

((3-3-1)) (A) The front and back sections of each sample are transferred to separate 2-mL vials.

((3-3-2)) (B) Each sample is desorbed with 1.0 mL of desorbing reagent.

((3-3-3)) (C) The vials are sealed immediately and allowed to desorb for one hour with occasional shaking.

((3-3-4)) (D) Desorbing reagent is drawn off the charcoal with a disposable pipet and put into clean 2-mL vials.

((3-3-5)) (E) One drop of HBr is added to each vial. Vials are resealed and HBr is mixed well with the desorbing reagent.

((3-3-6)) (F) About 0.15 gram of sodium carbonate is carefully added to each vial. Vials are again resealed and mixed well.

((3-4) (iv) Standard Preparation.

((3-4-1)) (A) Standards are prepared by injecting the pure ethylene oxide gas into the desorbing reagent.

((3-4-2)) (B) A range of standards are prepared to make a calibration curve. A concentration of 1.0 μL of ethylene oxide gas per 1 mL desorbing reagent is equivalent to 1.0 ppm air concentration (all gas volumes at 25°C and 760 mm) for the recommended 1 liter air sample. This amount is uncorrected for desorption efficiency (see backup data section ((4-2)) (3)(i)(ii), for desorption efficiency corrections).

((3-4-3)) (C) One drop of HBr per mL of standard is added and mixed well.

((3-4-4)) (D) About 0.15 grams of sodium carbonate is carefully added for each drop of HBr (a small reaction will occur).

((3-5) (v) Analysis.

((3-5-1)) (A) GC conditions.

Nitrogen flow rate—10mL/min.

Injector Temperature—250°C

Detector Temperature—300°C

Column Temperature—100°C

Injection size—0.8 μL

Elution time—3.9 minutes

((3-5-2)) (B) Peak areas are measured by an integrator or other suitable means.

((3-5-3)) (C) The integrator results are in area units and a calibration curve is set up with concentration vs. area units.

((3-6)) (vi) Interferences.

((3-6-1)) (A) Any compound having the same retention time of 2-bromoethanol is a potential interference. Possible interferences should be listed on the sample data sheets.

((3-6-2)) (B) GC parameters may be changed to circumvent interferences.

((3-6-3)) (C) There are usually trace contaminants in benzene.

These contaminants, however, posed no problem of interference.

((3-6-4)) (D) Retention time date on a single column is not considered proof of chemical identity. Samples over the 1.0 ppm target level should be confirmed by GC/Mass Spec or other suitable means.

((3-7) (vii) Calculations.

((3-7-1)) (A) The concentration in μg/mL for a sample is determined by comparing the area of a particular sample to the calibration curve, which has been prepared from analytical standards.

((3-7-2)) (B) The amount of analyte in each sample is corrected for desorption efficiency by use of a desorption curve.

((3-7-3)) (C) Analytical results, ((t))A(t), from the two tubes that compose a particular air sample are added together.

((3-7-4)) (D) The concentration for a sample is calculated by the following equation:

$$ETO, \text{ mg/m}^3 = \frac{AXB}{C}$$

where:

A = μg/mL

B = desorption volume in milliliters

C = air volume in liters.

((3-7-5)) (E) To convert mg/m³ to parts per million (ppm) the following relationship is used:

$$\frac{((ETO)) \text{ mg/m}^3 \times 24.45}{44.05} = \text{ETO, ppm}$$

where:

mg/m³ = results from 3.7.4

24.45 = molar volume at 25°C and 760mm Hg

44.05 = molecular weight of ETO.

((3-8) (viii) Safety Precaution

((3-8-1)) (A) Ethylene oxide and benzene are potential carcinogens and care must be exercised when working with these compounds.

((3-8-2)) (B) All work done with the solvents (preparation of standards, desorption of samples, etc.) should be done in a hood.

((3-8-3)) (C) Avoid any skin contact with all of the solvents.

((3-8-4)) (D) Wear safety glasses at all times.

((3-8-5)) (E) Avoid skin contact with HBr because it is highly toxic and a strong irritant to eyes and skin.

((4-) (i) Backup Data.

((4-1) (i) Detection Limit Data.

The detection limit was determined by injecting 0.8 μL of a 0.015 μg/mL standard of ethylene oxide into 1% CS₂ in Benzene. The detection limit of the analytical procedure is taken to be 1.20 x 10⁻⁵ μg per injection. This is equivalent to 8.3 ppb (0.015 mg/m³) for the recommended air volume.

((4-2) (ii) Desorption Efficiency. Ethylene oxide was spiked into charcoal tubes and the following recovery data was obtained((-):

Amount spiked (μg)	Amount recovered (μg)	Percent recovery
4.5	4.32	96.0
3.0	2.61	87.0
2.25	2.025	90.0
1.5	1.365	91.0
1.5	1.38	92.0
.75	.6525	87.0
.375	.315	84.0
.375	.312	83.2
.1875	.151	80.5
.094	.070	74.5

Note: At lower amounts the recovery appears to be nonlinear.

((4-3) (iii) Sensitivity Data. The following data was used to determine the calibration curve((-):

Injection	0.5 x .75 µg/mL	1 x 1.5 µg/mL	2 x 3.0 µg/mL
1	30904	59567	111778
2	30987	62914	106016
3	32555	58578	106122
4	32242	57173	109716
X	31672	59558	108408

Slope = 34.105.

((4-4) (iv) Recovery. The recovery was determined by spiking ethylene oxide onto lot 120 charcoal tubes and desorbing with 1% CS₂ in Benzene. Recoveries were done at 0.5, 1.0, and 2.0 X the target concentration (1 ppm) for the recommended air volume.

Percent Recovery

Sample	0.5x	1.0x	2.0x
1	88.7	95.0	91.7
2	83.8	95.0	87.3
3	84.2	91.0	86.0
4	88.0	91.0	83.0
5	88.0	86.0	85.0
X	86.5	90.5	87.0

Weighted Average = 88.2

((4-5) (v) Precision of the Analytical Procedure. The following data was used to determine the precision of the analytical method:

Concentration	0.5 x .75 µg/mL	1 x 1.5 µg/mL	2 x 3.0 µg/mL
Injection	.7421	1.4899	3.1184
	.7441	1.5826	3.0447
	.7831	1.4628	2.9149
	.7753	1.4244	2.9185
Average	.7612	1.4899	2.9991
Standard Deviation	.0211	.0674	.0998
CV	.0277	.0452	.0333

$$CV = \frac{3(.0277)^2 + 3(.0452)^2 + 3(.0333)^2}{3 + 3 + 3}$$

CV + 0.036

((4-6) (vi) Storage Data. Samples were generated at 1.5 mg/m³ ethylene oxide at 85% relative humidity, 22°C and 633 mm. All samples were taken for 20 minutes at 0.05 Lpm. Six samples were analyzed as soon as possible and fifteen samples were stored at refrigerated temperature (5°C) and fifteen samples were stored at ambient temperature (23°C). These stored samples were analyzed over a period of nineteen days.

Percent Recovery

Day analyzed	Refrigerated	Ambient
1	87.0	87.0
1	93.0	93.0
1	94.0	94.0
1	92.0	92.0
4	92.0	91.0
4	93.0	88.0
4	91.0	89.0
6	92.0	.....
6	92.0	.....
8	.....	92.0
8	.....	86.0
10	91.7	.....
10	95.5	.....
10	95.7	.....
11	.....	90.0
11	.....	82.0
13	78.0	.....
13	81.4	.....
13	82.4	.....
14	.....	78.5
14	.....	72.1
18	66.0	.....
18	68.0	.....
19	.....	64.0
19	.....	77.0

((4-7) (vii) Breakthrough Data.

(A) Breakthrough studies were done at 2 ppm (3.6 mg/m³) at approximately 85% relative humidity at 22°C (ambient temperature). Two charcoal tubes were used in series. The backup tube was changed every 10 minutes and analyzed for breakthrough. The flow rate was 0.050 Lpm.

Tube No.	Time (minutes)	Percent breakthrough
1	10	{ }
2	20	{ }
3	30	{ }
4	40	1.23
5	50	3.46
6	60	18.71
7	70	39.2
8	80	53.3
9	90	72.0
10	100	96.0
11	110	113.0
12	120	133.9

¹None.

(B) The 5% breakthrough volume was reached when 2.6 liters of test atmosphere were drawn through the charcoal tubes.

((5-) (i) References.

((5-1) (i) "NIOSH Manual of Analytical Methods," 2nd ed. NIOSH: Cincinnati, 1977; Method S 286.

((5-2) (ii) "IARC Monographs on the Evaluation of Carcinogenic Risk of Chemicals to Man." International Agency for Research on Cancer: Lyon, 1976; Vol. II, p. 157.

((5-3) (iii) Sax., N.I. "Dangerous Properties of Industrial Materials," 4th ed.; Van Nostrand Reinhold Company, New York, 1975; p. 741.

((5-4) (iv) "The Condensed Chemical Dictionary", 9th ed.; Hawley, G.G., ed.; Van Nostrand Reinhold Company, New York, 1977; p. 361.

(4) Summary of Other Sampling Procedures. OSHA believes that several other types of monitoring equipment and techniques exist for monitoring time-weighted averages. Considerable research and method development is currently being performed, which will lead to improvements and a wider variety of monitoring techniques. A combination of monitoring procedures can be used. There probably is no one best method for monitoring personal exposure to ethylene oxide in all cases. There are advantages, disadvantages, and limitations to each method. The method of choice will depend on the need and requirements. Some commonly used methods include the use of charcoal tubes, passive dosimeters, Tedler gas sampling bags, detector tubes, photoionization detection units, infrared detection units and gas chromatographs. A number of these methods are described below.

((A-) (a) Charcoal Tube Sampling Procedures.

(i) Qazi-Ketcham method (Ex-11-133)—This method consists of collecting EtO on Columbia JXC activated carbon, desorbing the EtO with carbon disulfide and analyzing by gas chromatography with flame ionization detection. Union Carbide has recently updated and revalidated this monitoring procedure. This method is capable of determining both eight-hour time-weighted average exposures and short-term exposures. The method was validated to 0.5 ppm. Like other charcoal collecting procedures, the method requires considerable analytical expertise.

(ii) ASTM-proposed method—The Ethylene Oxide Industry Council (EOIC) has contracted with Clayton Environmental Consultants, Inc. to conduct a collaborative study for the proposed method. The ASTM-proposed method is similar to the method published by Qazi and Ketcham in the November 1977 American Industrial Hygiene Association Journal, and to the method of Pilney and Coyne, presented at the 1979 American Industrial Hygiene Conference. After the air to be sampled is drawn through an activated charcoal tube, the ethylene oxide is desorbed from the tube using carbon disulfide and is quantitated by gas chromatography utilizing a flame ionization detector. The ASTM-proposed method specifies a large two-section charcoal tube, shipment in dry ice, storage at less than -5°C, and analysis within three weeks to prevent migration and sample loss. Two types of charcoal tubes are being tested—Pittsburgh Coconut-Based (PCB) and Columbia JXC charcoal. This collaborative study will give an indication of the inter- and intralaboratory precision and accuracy of the ASTM/proposed method. Several laboratories have considerable expertise using the Qazi-Ketcham and Dow methods.

((B:)) (b) **Passive Monitors**—Ethylene oxide diffuses into the monitor and is collected in the sampling media. The DuPont Pro-Tek badge collects EtO in an absorbing solution, which is analyzed colorimetrically to determine the amount of EtO present. The 3M 350 badge collects the EtO on chemically treated charcoal. Other passive monitors are currently being developed and tested. Both 3M and DuPont have submitted data indicating their dosimeters meet the precision and accuracy requirements of the proposed ethylene oxide standard. Both presented laboratory validation data to 0.2 ppm (Exs. 11-65, 4-20, 108, 109, 130).

((C:)) (c) **Tedlar Gas Sampling Bags**—Samples are collected by drawing a known volume of air into a Tedlar gas sampling bag. The ethylene oxide concentration is often determined on-site using a portable gas chromatograph or portable infrared spectrometer.

((D:)) (d) **Detector Tubes**—A known volume of air is drawn through a detector tube using a small hand pump. The concentration of EtO is related to the length of stain developed in the tube. Detector tubes are economical, easy to use, and give an immediate readout. Unfortunately, partly because they are nonspecific, their accuracy is often questionable. Since the sample is taken over a short period of time, they may be useful for determining the source of leaks.

((E:)) (e) **Direct Reading Instruments**((=)):

(i) There are numerous types of direct reading instruments, each having its own strengths and weaknesses (Exs. 135B, 135C, 107, 11-78, 11-153). Many are relatively new, offering greater sensitivity and specificity. Popular ethylene oxide direct reading instruments include infrared detection units, photoionization detection units, and gas chromatographs.

(ii) Portable infrared analyzers provide an immediate, continuous indication of a concentration value; making them particularly useful for locating high concentration pockets, in leak detection and in ambient air monitoring. In infrared detection units, the amount of infrared light absorbed by the gas being analyzed at selected infrared wavelengths is related to the concentration of a particular component. Various models have either fixed or variable infrared filters, differing cell pathlengths, and microcomputer controls for greater sensitivity, automation, and interference elimination.

(iii) A fairly recent detection system is photoionization detection. The molecules are ionized by high energy ultraviolet light. The resulting current is measured. Since different substances have different ionization potentials, other organic compounds may be ionized. The lower the lamp energy, the better the selectivity. As a continuous monitor, photoionization detection can be useful for locating high concentration pockets, in leak detection, and continuous ambient air monitoring. Both portable and stationary gas chromatographs are available with various types of detectors, including photoionization detectors. A gas chromatograph with a photoionization detector retains the photoionization sensitivity, but minimizes or eliminates interferences. For several GC/PID units, the sensitivity is in the 0.1-0.2 ppm EtO range. The GC/PID with microprocessors can sample up to 20 sample points sequentially, calculate and record data, and activate alarms or ventilation systems. Many are quite flexible and can be configured to meet the specific analysis needs for the workplace.

(iv) DuPont presented their laboratory validation data of the accuracy of the Qazi-Ketcham charcoal tube, the PCB charcoal tube, Miran 103 IR analyzer, 3M #3550 monitor and the DuPont C-70 badge. Quoting Elbert V. Kring:

(v) We also believe that OSHA's proposed accuracy in this standard is appropriate. At plus or minus 25 percent at one part per million, and plus or minus 35 percent below that. And, our data indicates there's only one monitoring method, right now, that we've tested thoroughly, that meets that accuracy requirements. That is the DuPont Pro-Tek badge* * *. We also believe that this kind of data should be confirmed by another independent laboratory, using the same type dynamic chamber testing (Tr. 1470).

Additional data by an independent laboratory following their exact protocol was not submitted. However, information was submitted on comparisons and precision and accuracy of those monitoring procedures which indicate far better precision and accuracy of those monitoring procedures than that obtained by DuPont (Ex. 4-20, 130, 11-68, 11-133, 130, 135A)

(vi) The accuracy of any method depends to a large degree upon the skills and experience of those who not only collect the samples but also those who analyze the samples. Even for methods that are collaboratively tested, some laboratories are closer to the true values than others. Some laboratories may meet the precision and accuracy

requirements of the method; others may consistently far exceed them for the same method.

AMENDATORY SECTION (Amending Order 86-02, filed 1/17/86)

WAC 296-27-15501 DIVISION OF INDUSTRIAL SAFETY AND HEALTH, PUBLIC RECORDS. Requests for inspection or copies of records and documents in the custody of the division of industrial safety and health should be made to the division's designated records officer. The division's records are maintained at ((B14 East Fourth Ave.)) 805 Plum Street Southeast, P.O. Box 207, Olympia, WA 98504. General information can be obtained at service locations and field offices throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-24-19515 REPORTS OF POINT OF OPERATION INJURIES—MECHANICAL POWER PRESSES.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-24-63399 APPENDIX C—FIRE PROTECTION REFERENCES FOR FURTHER INFORMATION. ((H)) (1) Appendix general references. The following references provide information which can be helpful in understanding the requirements contained in all of the sections of ((Subpart E)) Part G:

((A)) (a) Fire Protection Handbook, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((B)) (b) Accident Prevention Manual for Industrial Operations, National Safety Council, 425 North Michigan Avenue, Chicago, IL 60611.

((C)) (c) Various associations also publish information which may be useful in understanding these standards. Examples of these associations are: Fire Equipment Manufacturers Association (FEMA) of Arlington, VA 22204, and the National Association of Fire Equipment Distributors (NAFED) of Chicago, IL 60601.

((H)) (2) Appendix references applicable to individual sections. The following references are grouped according to individual sections contained in ((Subpart E)) Part G. These references provide information which may be helpful in understanding and implementing the standards of each section of ((Subpart E)) Part G.

((A)) (a) WAC 296-24-58505 - Fire brigades:

((H)) (i) Private Fire Brigades, NFPA 27; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((2)) (ii) Initial Fire Attack, Training Standard On, NFPA 197; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((3)) (iii) Fire Fighter Professional Qualifications, NFPA 1001; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((4)) (iv) Organization for Fire Services, NFPA 1201; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((5)) (v) Organization of a Fire Department, NFPA 1202; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((6)) (vi) Protective Clothing for Structural Fire Fighting, ANSI/NFPA 1971; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((7)) (vii) American National Standard for Men's Safety-Toe Footwear, ANSI Z41.1; American National Standards Institute, New York, NY 10018.

((8)) (viii) American National Standard for Occupational and Educational Eye and Face Protection, ANSI Z87.1; American National Standards Institute, New York, NY 10018.

((9)) (ix) American National Standard, Safety Requirements for Industrial Head Protection, ANSI Z89.1; American National Standards Institute, New York, NY 10018.

((10)) (x) Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1; American National Standards Institute, New York, NY 10018.

((11)) (xi) Testing Physical Fitness; Davis and Santa Maria, Fire Command, April 1975.

((12)) (xii) Development of a Job-Related Physical Performance Examination for Fire Fighters; Dotson and Others. A summary report

for the National Fire Prevention and Control Administration, Washington, D.C., March 1977.

((+3)) (xiii) Proposed Sample Standards for Fire Fighters' Protective Clothing and Equipment; International Association of Fire Fighters, Washington, D.C.

((+4)) (xiv) A Study of Facepiece Leakage of Self-Contained Breathing Apparatus by DOP Man Tests; Los Alamos Scientific Laboratory, Los Alamos, N.M.

((+5)) (xv) The Development of Criteria for Fire Fighters' Gloves; Vol. II: Glove Criteria and Test Methods; National Institute for Occupational Safety and Health, Cincinnati, Ohio, 1976.

((+6) Made) (xvi) Model Performance Criteria for Structural Fire Fighters' Helmets; National Fire Prevention and Control Administration, Washington, D.C., 1977.

((+7)) (xvii) Firefighters; Job Safety and Health Magazine, Occupational Safety and Health Administration, Washington, D.C., June 1978.

((+8)) (xviii) Eating Smoke—The Dispensable Diet; Utech, H.P. The Fire Independent, 1975.

((+9)) (xix) Project Monoxide—A Medical Study of an Occupational Hazard of Fire Fighters; International Association of Fire Fighters, Washington, D.C.

((+20)) (xx) Occupational Exposures to Carbon Monoxide in Baltimore Firefighters; Radford Baltimore, MD. Journal of Occupational Medicine, September, 1976.

((+21)) (xxi) Fire Brigades; National Safety Council, Chicago, IL, 1966.

((+22)) (xxii) American National Standard, Practice for Respiratory Protection for the Fire Service, ANSI Z88.5; American National Standards Institute, New York, NY 10018.

((+23)) (xxiii) Respirator Studies for the Nuclear Regulatory Commission; October 1, 1977—September 30, 1978. Evaluation and Performance of Open-Circuit Breathing Apparatus. NUREG/CR-1235. Los Alamos Scientific Laboratory; Los Alamos, NM 87545, January, 1980.

((+B)) (b) WAC 296-24-592 - Portable fire extinguishers:

((+)) (i) Standard for Portable Fire Extinguishers, ANSI/NFPA 10; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+2)) (ii) Methods for Hydrostatic Testing of Compressed-Gas Cylinders, C-1; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

((+3)) (iii) Recommendations for the Disposition of Unserviceable Compressed-Gas Cylinders, C-2; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

((+4)) (iv) Standard for Visual Inspection of Compressed-Gas Cylinders, C-6; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

((+5)) (v) Portable Fire Extinguisher Selection Guide, National Association of Fire Equipment Distributors; 111 East Wacker Drive, Chicago, IL 60601.

((+C)) (c) WAC 296-24-602 - Standpipe and hose systems:

((+)) (i) Standard for the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+2)) (ii) Standard of the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+3)) (iii) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+4)) (iv) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+5)) (v) Standard for Screw Threads and Gaskets for Fire Hose Connections, ANSI/NFPA 194; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+6)) (vi) Standard for Fire Hose, NFPA 196; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+7)) (vii) Standard for the Care of Fire Hose, NFPA 198; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+D)) (d) WAC 296-24-607 - Automatic sprinkler systems:

((+)) (i) Standard of the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+2)) (ii) Standard for the Care and Maintenance of Sprinkler Systems, ANSI/NFPA 13A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+3)) (iii) Standard for the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+4)) (iv) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+5)) (v) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+6)) (vi) Standard for Indoor General Storage, ANSI/NFPA 231; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+7)) (vii) Standard for Rack Storage of Materials, ANSI/NFPA 231C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+E)) (e) WAC 296-24-617 - Fixed extinguishing systems, general information:

((+)) (i) Standard for Foam Extinguishing Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+2)) (ii) Standard for Hi-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+3)) (iii) Standard on Synthetic Foam and Combined Agent Systems, ANSI/NFPA 11B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+4)) (iv) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+5)) (v) Standard on Halon 1301, ANSI/NFPA 12A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+6)) (vi) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+7)) (vii) Standard for Water Spray Systems, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+8)) (viii) Standard for Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+9)) (ix) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+F)) (f) WAC 296-24-622 - Fixed extinguishing systems, dry chemical:

((+)) (i) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+2)) (ii) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+3)) (iii) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapor from Commercial Cooling Equipment, NFPA 96; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+G)) (g) WAC 296-24-623 - Fixed extinguishing systems, gaseous agents:

((+)) (i) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+2)) (ii) Standard on Halon 1301, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+3)) (iii) Standard on Halon 1211, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+4)) (iv) Standard on Explosion Prevention Systems, ANSI/NFPA 69; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+5)) (v) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+6)) (vi) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((+7)) (vii) Determination of Halon 1301/1211 Threshold Extinguishing Concentrations Using the Cup Burner Method, Riley and Olson, Ansl Report AL-530-A.

((H)) (h) WAC 296-24-627 - Fixed extinguishing systems, water spray and foam agents:

((H)) (i) Standard for Foam Extinguisher Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (ii) Standard for High-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (iii) Standard for Water Spray Fixed Systems for Fire Protection, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (iv) Standard for the Installation of Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (i) WAC 296-24-629 - Fire detection systems:

((H)) (i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (iii) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (i) WAC 296-24-631 - Employee alarm systems:

((H)) (i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (iii) Standard for Local Protective Signaling Systems, ANSI/NFPA 72A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (iv) Standard for Auxiliary Protective Signaling Systems, ANSI/NFPA 72B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (v) Standard for Remote Station Protective Signaling Systems, ANSI/NFPA 72C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (vi) Standard for Proprietary Protective Signaling Systems, ANSI/NFPA 72D; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

((H)) (vii) Vocal Emergency Alarms in Hospitals and Nursing Facilities: Practice and Potential, National Bureau of Standards, Washington, D.C., July, 1977.

((H)) (viii) Fire Alarm and Communication Systems, National Bureau of Standards, Washington, D.C., April, 1976.

AMENDATORY SECTION (Amending Order 81-19, filed 7/27/81)

WAC 296-62-07113 SELECTION OF RESPIRATORS. (1) General considerations. Proper selection of respirators shall be made in accordance with the classification, capabilities, and limitations listed in tables I through IV of this section. Additional guidance may be obtained by referring to American National Standard Practices for Respiratory Protection Z88.2 - 1980.

(2) Respirator protection factor (PF). Respirators shall be selected according to the characteristics of the hazards involved, the capabilities and limitations of the respirators, and the ability of each respirator wearer to obtain a satisfactory fit with a respirator. Taking into account the capabilities and limitations of respirators and the results of respirator-fitting tests, a table of respirator protection factors has been prepared (see table V). A respirator protection factor is a measure of the degree of protection provided by a respirator to a wearer. Multiplying either ((H)) (a) the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or ((H)) (b) the maximum permissible airborne concentration for a radionuclide by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance in which the respirator can be used. Limitations of filters, cartridges, and canisters also shall be considered (see table V).

(3) Respirator-fitting tests. A qualitative or quantitative respirator-fitting test shall be used to determine the ability of each individual respirator wearer to obtain a satisfactory fit with a negative-pressure respirator. The results of qualitative or quantitative respirator fitting-tests shall be used to select specific types, makes, and models of negative-pressure respirators for use by individual respirator wearers. A respirator-fitting test shall be carried out for each wearer of a negative-pressure respirator equipped with a facepiece. Respirator-fitting

tests shall not be required for positive-pressure respirators or for mouthpiece respirators.

(a) Qualitative respirator-fitting test - A person wearing a respirator is exposed to an irritant smoke, an odorless vapor, or other suitable test agent. An air-purifying respirator must be equipped with an air-purifying element(s) which effectively removes the test agent from inspired air. If the respirator wearer is unable to detect penetration of the test agent into the respirator, the respirator wearer has achieved a satisfactory fit with the respirator.

(b) Quantitative respirator-fitting test - A person wears a respirator in a test atmosphere containing a test agent in the form of an aerosol, vapor, or gas. Instrumentation, which samples the test atmosphere and the air inside the respiratory-inlet covering of the respirator, is used to measure quantitatively the penetration of the test agent into the respiratory-inlet covering.

(c) When carrying out a qualitative or quantitative respirator-fitting test, the respirator wearer shall carry out a series of exercises which simulate work movements.

(d) When carrying out respirator-fitting tests, it shall be an acceptable procedure to make the following modifications to respirators provided that such modifications do not affect the seal of the respirators to wearers.

(i) When carrying out a qualitative or quantitative respirator-fitting test which uses an aerosol as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with a high-efficiency filter.

(ii) When carrying out a qualitative or quantitative respirator-fitting test which uses a vapor or gas as the test agent, it shall be acceptable procedure to equip an air-purifying respirator with an appropriate cartridge or canister which removes the vapor or gas from air.

(iii) When carrying out a quantitative respirator-fitting test, it shall be acceptable procedure to attach a sampling probe to the respirator which is connected by flexible tubing to an instrument which measures the penetration of the test agent into the respirator.

(e) If a qualitative respirator-fitting test has been used in respirator selection, a person shall be allowed to use only the specific make(s) and model(s) of respirator(s) for which the person obtained a satisfactory fit, and the respirator protection factor listed under "qualitative test" in table V shall apply. Under no circumstances shall a person be allowed to use any respirator for which the results of the qualitative respirator fitting test indicate that the person is unable to obtain a satisfactory fit.

(f) If a quantitative respirator-fitting test has been used in selecting a respirator, the test results shall be used to assign a respirator protection factor to each person for each specific make and model of respirator tested. The assigned respirator protection factor shall be applied when the person wears the specific respirator in a hazardous atmosphere, but it shall not exceed the respirator protection factor listed under "quantitative test" in table V for the particular type of respirator.

(4) Respirator-fitting test records. Records of respirator-fitting tests shall be kept for at least the duration of employment. These records shall include the following information:

- (a) Type of respirator-fitting test used;
- (b) Specific make and model of respirator tested;
- (c) Name of person tested;
- (d) Name of test operator;
- (e) Date of test;
- (f) Results of respirator-fitting tests;

(i) Success or failure of person to obtain satisfactory fit if a qualitative respirator-fitting test was carried out.

(ii) Respirator protection factor based upon test results if a quantitative respirator-fitting test was carried out.

(5) Face dimensions and facepiece sizes. The wide range of face dimensions may require more than a single size of respirator facepiece to provide a proper fit to all respirator users. Therefore, respirator facepieces of more than one size should be available in any respirator-selection program involving respirators equipped with facepieces.

((TABLE 1

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

{CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Oxygen Deficiency" which is now "Part 1," (2) "Gas and Vapor Contaminants" which is now "Part 2," (3) "Particulate Contaminants (Dust,

fog, fume, mist, smoke, and spray)" which is now "Part 3," and "Part 4" is "Combinations of Gas, Vapor, and Particulate Contaminants" and is a combination of the columns in "Part 2," and "Part 3." These columns were all positioned side by side. In the new WAC format these are split up into four separate tables.]

TABLE I—PART 1

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

oxygen deficiency

Minimum legal requirements: 18.0% by volume for respirable air at sea-level conditions. (See Note 1.)

Occurrence: Confined or unventilated cellars, wells, mines, ship holds, tanks, burning buildings, and enclosures containing inert atmospheres:

Atmosphere oxygen content (percent by volume) versus expected conditions:

20.9% Oxygen content of normal air at sea-level conditions:

Oxygen Volume Percent At Sea Level	Physiological Effects
+16% - 12%	Loss of peripheral vision, increased breathing volume, accelerated heartbeat, impaired attention and thinking, impaired coordination.
+12% - 10%	Very faulty judgment, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.
+10% - 6%	Nausea, vomiting, inability to perform vigorous movement, unconsciousness followed by death.
Less than 6%	Spasmodic breathing, convulsive movements, death in minutes.

TABLE I—PART 2

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

Gas and Vapor Contaminants

Asphyxiants: Interfere with utilization of oxygen in the body:

Simple asphyxiants: Physiologically inert substances that dilute oxygen in the air (for example: nitrogen, hydrogen, helium, methane). See Oxygen Deficiency, Column 1.

Chemical asphyxiants: Low concentrations interfere with supply or utilization of oxygen in the body (for example: Carbon monoxide, hydrogen cyanide, cyanogen, and nitriles):

Irritants: Corrosive in action. May cause irritation and inflammation of parts of the respiratory system (also skin and eyes) and pulmonary edema (for example: Ammonia hydrogen chloride, formaldehyde, sulfur dioxide, chlorine, ozone, nitrogen dioxide, phosgene, and arsenic trichloride):

Anesthetics: Cause loss of feeling and sensation with unconsciousness and death possible (for example: Nitrous oxide hydrocarbons, and ethers). Some anesthetics injure body organs (for example: Carbon tetrachloride (liver and kidneys), chloroform (liver and heart), benzene (bone marrow), and carbon disulfide (nervous system):

Sensitizers: Cause increased probability of physiological reactions (for example: Isocyanates, epoxy resin systems):

Systemic poisons: Damage organs and systems in the body (for example: Mercury (nervous system and various organs), phosphorus (bone), hydrogen sulfide (respiratory paralysis), and arsine (red blood cells and liver):

Carcinogens: Produce cancer in some individuals after a latent period (for example: Vinyl chloride, benzene):

TABLE I—PART 3

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

Particulate Contaminants (Dust, fog, fume, mist, smoke, and spray)

Relatively inert: May cause discomfort and minor irritation, but generally without injury at reasonable concentrations (for example: Marble, gypsum):

Pulmonary fibrosis-producing: Produce nodulation and fibrosis in the lung, possibly leading to complications (for example: Quartz, asbestos):

Carcinogens: Produce cancer in some individuals after latent period (for example: Asbestos, chromates, radioactive particulates):

Chemical irritants: Produce irritation, inflammation, and ulceration in upper respiratory tract (for example: Acidic mists, alkalis):

Systemic poisons: Produce pathologic reactions in various systems of the body (for example: Lead manganese, cadmium):

Allergy-producing: Produce reactions such as itching, sneezing, and asthmas (for example: Pollens, spices, and animal fur):

Febrile reaction-producing: Produce chills followed by fever (for example: Fumes of zinc and copper):

TABLE I—PART 4

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR BIOLOGICAL EFFECT

Combinations of Gas, Vapor, and Particulate Contaminants

Combinations of contaminants may occur simultaneously in the atmosphere. Contaminants may be entirely different substances (dusts and gases from blasting) or the particulate and vapor forms of the same substance. Synergistic effects (joint action of two or more agents that results in an effect which is greater than the sum of their individual effects) may occur. Such effects may require extraordinary protective measures:

Note 1: See definition in WAC 296-62-07105 "oxygen deficiency = not immediately dangerous to life or health" and "oxygen deficiency = immediately dangerous to life or health."

TABLE II

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR PROPERTIES WHICH INFLUENCE RESPIRATOR SELECTION

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Gas and Vapor Contaminants" which is now "Part 1," and (2) "Particulate Contaminants" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.]

TABLE II—PART 1

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR PROPERTIES WHICH INFLUENCE RESPIRATOR SELECTION

Gas and Vapor Contaminants

Inert: Substances that do not react with other substances under most conditions, but create a respiratory hazard by displacing air and producing oxygen deficiency (for example: Helium, neon, argon):

Acidic: Substances that are acids or that react with water to produce an acid. In water, they produce positively charged hydrogen ions (H^{+1}) and a pH of less than 7. They taste sour, and many are corrosive to tissues (for example: Hydrogen chloride, sulfur dioxide, fluorine, nitrogen dioxide, acetic acid, carbon dioxide, hydrogen sulfide, and hydrogen cyanide):

Alkaline: Substances that are alkalies or that react with water to produce an alkali. In water, they result in the production of negatively charged hydroxyl ions (OH^{-1}) and a pH greater than 7. They taste bitter, and many are corrosive to tissues (for example: Ammonia, amines, phosphine, arsine, and stibine):

Organic: The compounds of carbon. Examples are saturated hydrocarbons (methane, ethane, butane), unsaturated hydrocarbons (ethylene, acetylene), alcohols (methyl ether, ethyl ether), aldehydes (formaldehyde), ketones (methyl ketone), organic acids (formic acid, acetic acid), halides (chloroform, carbon tetrachloride), amides (formamide, acetamide), nitriles (acetonitrile), isocyanates (toluene diisocyanate), amines (methylamine), epoxies (epoxyethane, propylene oxide), and aromatics (benzene, toluene, xylene):

Organometallic: Compounds in which metals are chemically bonded to organic groups (for example: Ethyl silicate, tetraethyl lead, and organic phosphate):

Hydrides: Compounds in which hydrogen is chemically bonded to metals and certain other elements (for example: Diborane and tetraborane):

TABLE II—PART 2

CLASSIFICATION OF RESPIRATORY HAZARDS ACCORDING TO THEIR PROPERTIES WHICH INFLUENCE RESPIRATOR SELECTION

Particulate Contaminants

Particles are produced by mechanical means by disintegration processes such as grinding, crushing, drilling, blasting, and spraying, or by physiochemical reactions such as combustion, vaporization, distillation, sublimation, calcination, and condensation. Particles are classified as follows:

Dust: A solid, mechanically produced particle with sizes varying from submicroscopic to visible or macroscopic.

Spray: A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.

Fume: A solid condensation particle of extremely small particle size, generally less than one micrometer in diameter.

Mist: A liquid condensation particle with sizes ranging from submicroscopic to visible or macroscopic.

Fog: A mist of sufficient concentration to perceptibly obscure vision.

Smoke: A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.

TABLE III

CLASSIFICATION AND DESCRIPTION OF RESPIRATORS BY MODE OF OPERATION

[CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "Atmosphere-Supplying Respirators" which is now "Part 1," and (2) "Air-Purifying Respirators" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.]

TABLE III—PART 1

CLASSIFICATION AND DESCRIPTION OF RESPIRATORS BY MODE OF OPERATION

Atmosphere-Supplying Respirators

A respirable atmosphere independent of the ambient air is supplied to the wearer:

SELF-CONTAINED BREATHING APPARATUS (SCBA)

A supply of air, oxygen, or oxygen-generating material is carried by the wearer. Normally equipped with full facepiece, but may be equipped with a quarter-mask facepiece, half-mask facepiece, helmet, hood, or mouthpiece and nose clamp.

(1) Closed-circuit SCBA (oxygen only, negative pressure^a or positive pressure^b):

(a) Compressed or liquid oxygen type. Equipped with a facepiece or mouth piece and nose clamp. High-pressure oxygen from a gas cylinder passes through a high-pressure reducing valve and, in some designs, through a low-pressure admission valve to a breathing bag or container. Liquid oxygen is converted to low-pressure gaseous oxygen and delivered to the breathing bag. The wearer inhales from the bag, through a corrugated tube connected to a mouthpiece or facepiece and a one-way check valve. Exhaled air passes through another check valve and tube into a container of carbon dioxide removing chemical and reenters the breathing bag. Make-up oxygen enters the bag continuously or as the bag deflates sufficiently to actuate an admission valve. A pressure-relief system is provided, and a manual by-pass system and saliva trap may be provided depending upon the design.

(b) Oxygen-generating type. Equipped with a facepiece or mouthpiece and nose clamp. Water vapor in the exhaled breath reacts with chemical in the canister to release oxygen to the breathing bag. The wearer inhales from the bag through a corrugated tube and one-way check valve at the facepiece. Exhaled air passes through a second check valve/breathing tube assembly into the canister. The oxygen-release rate is governed by the volume of exhaled air. Carbon dioxide in the exhaled breath is removed by the canister fill.

(2) Open-circuit SCBA (compressed air, compressed oxygen, liquid air, liquid oxygen). A bypass system is provided in case of regulator failure except on escape-type units.

(a) Demand type^c. Equipped with a facepiece or mouthpiece and nose clamp. The demand valve permits oxygen or air flow only during inhalation. Exhaled breath passes to ambient atmosphere through a valve(s) in the facepiece.

(b) Pressure-demand type^d. Equipped with a facepiece only. Positive pressure is maintained in the facepiece. The apparatus may have provision for the wearer to select the demand or pressure-demand mode of operation, in which case the demand mode should be used only when donning or removing the apparatus.

Combination air-line respirators with auxiliary self-contained air supply include an air-line respirator with an auxiliary self-contained air supply. To escape from a hazardous atmosphere in the event the primary air supply fails to operate, the wearer switches to the auxiliary self-contained air supply. Devices approved for both entry into and escape from dangerous atmospheres have a low-pressure warning alarm and contain at least a 15-minute self-contained air supply.

SUPPLIED-AIR RESPIRATORS

(1) Hose mask

Equipped with a facepiece, breathing tube, rugged safety harness, and large-diameter heavy-duty nonkinking air-supply hose. The breathing tube and air-supply hose are securely attached to the harness. The

facepiece is equipped with an exhalation valve. The harness has provision for attaching a safety line.

(a) Hose mask with blower. Air is supplied by a motor-driven or hand-operated blower. The wearer can continue to inhale through the hose if the blower fails. Up to 300 feet (91 meters) of hose length is permissible.

(b) Hose mask without blower. The wearer provides motivating force to pull air through the hose. The hose inlet is anchored and fitted with a funnel or like object covered with a fine mesh screen to prevent entrance of coarse particulate matter. Up to 75 feet (23 meters) of hose length is permissible.

(2) Air-line respirator
Respirable air is supplied through a small-diameter hose from a compressor or compressed air cylinder(s). The hose is attached to the wearer by a belt or other suitable means and can be detached rapidly in an emergency. A flow-control valve or orifice is provided to govern the rate of air flow to the wearer. Exhaled air passes to the ambient atmosphere through a valve(s) or opening(s) in the enclosure (facepiece, helmet, hood, or suit). Up to 300 feet (91 meters) of hose length is permissible.

(a) Continuous-flow class. Equipped with a facepiece, hood, helmet, or suit. At least 115 liters (four cubic feet) of air per minute to tight-fitting facepieces and 170 liters (six cubic feet) of air per minute to loose-fitting helmets, hoods, and suits is required. Air is supplied to a suit through a system of internal tubes to the head, trunk, and extremities through valves located in appropriate parts of the suit.

(b) Demand type^c. Equipped with a facepiece only. The demand valve permits flow of

(c) Pressure-demand type^d. Equipped with a facepiece only. A positive pressure is maintained in the facepiece.

TABLE III—PART 2

CLASSIFICATION AND DESCRIPTION OF RESPIRATORS BY MODE OF OPERATION

Air-Purifying Respirators

Ambient air, prior to being inhaled, is passed through a filter, cartridge, or canisters which removes particles, vapors, gases, or a combination of these contaminants. The breathing action of the wearer operates the nonpowered type of respirator. The powered type contains a blower—stationary or carried by the wearer—which passes ambient air through an air-purifying component and then supplies purified air to the respirator-inlet covering. The nonpowered type is equipped with a facepiece or mouthpiece and nose clamp. The powered type is equipped with a facepiece, helmet, hood, or suit.

VAPOR-AND GAS-REMOVING RESPIRATORS

Equipped with cartridge(s) or canister(s) to remove a single vapor or gas (for example: Chlorine gas), a single class of vapors or gases (for example: Organic vapors), or a combination of two or more classes of vapors or gases (for example: Organic vapors and acidic gases) from air.

PARTICULATE-REMOVING RESPIRATORS

Equipped with filter(s) to remove a single type of particulate matter (for example: Dust) or a combination of two or more types of particulate matter (for example: Dust and fume) from air. Filter may be a replaceable part or a permanent part of the respirator. Filter may be of the single-use or the reusable type.

COMBINATION PARTICULATE-AND VAPOR-AND GAS-REMOVING RESPIRATORS

Equipped with cartridge(s) or canister(s) to remove particulate matter, vapors, and gasses from air. The filter may be a permanent part or a replaceable part of a cartridge or canister.

COMBINATION ATMOSPHERE-SUPPLYING AND AIR-PURIFYING RESPIRATORS

Provide the wearer with the option of using either of two different modes of operation: (1) An atmosphere-supplying respirator with an

auxiliary air-purifying attachment which provides protection in the event the air supply fails or (2) an air-purifying respirator with an auxiliary self-contained air supply which is used when the atmosphere may exceed safe conditions for use of an air-purifying respirator.

^a Device produces negative pressure in respiratory-inlet covering during inhalation.

^b Device produces positive pressure in respiratory-inlet covering during both inhalation and exhalation.

^c Equipped with a demand valve that is activated on initiation and permits the flow of breathing atmosphere to the facepiece. On exhalation, pressure in the facepiece becomes positive and the demand valve is deactivated.

^d A positive pressure is maintained in the facepiece by a spring-loaded or balanced regulator and exhalation valve.

TABLE IV

CAPABILITIES AND LIMITATIONS OF RESPIRATORS

{CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "atmosphere supplying respirators" which is now "Part 1," and (2) "air-purifying respirators" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.}

TABLE IV—PART 1

CAPABILITIES AND LIMITATIONS OF RESPIRATORS

Atmosphere Supplying Respirators

(See WAC 296-62-07111 for specification on respirable atmospheres.)

Atmosphere-supplying respirators provide protection against oxygen deficiency and toxic atmospheres. The breathing atmosphere is independent of ambient atmospheric conditions.

General limitations: Except for some air-line suits, no protection is provided against skin irritation by materials such as ammonia and hydrogen chloride, or against sorption of materials such as hydrogen cyanide, tritium, or organic phosphate pesticides through the skin. Facepieces present special problems to individuals required to wear prescription lenses. Use of atmosphere-supplying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table V).

SELF-CONTAINED BREATHING APPARATUS (SCBA)

The wearer carries his own breathing atmosphere.

Limitations: The period over which the device will provide protection is limited by the amount of air oxygen in the apparatus, the ambient atmospheric pressure (service life of open-circuit devices is cut in half by a doubling of the atmospheric pressure), and the type of work being performed. Some SCBA devices have a short service life (less than 15 minutes) and are suitable only for escape (self-rescue) from an irrespirable atmosphere.

Chief limitations of SCBA devices are their weight or bulk, or both; limited service life, and the training required for their maintenance and safe use.

(1) Closed-circuit SCBA:

The closed-circuit operation conserves oxygen and permits longer service life at reduced weight. The negative-pressure type produces a negative-pressure in the respiratory inlet covering during inhalation; and this may permit inward leakage of contaminants; whereas the positive-pressure type always maintains a positive pressure in the respiratory-inlet cover in and is less apt to permit inward leakage of contaminants.

(2) Open-circuit SCBA:

The demand type produces a negative pressure in the respiratory-inlet covering during inhalation, whereas the pressure-demand type maintains a positive pressure in the respiratory-inlet covering during inhalation and is less apt to permit inward leakage of contaminants.

SUPPLIED-AIR RESPIRATORS

The respirable air supply is not limited to the quantity the individual can carry, and the devices are lightweight and simple.

Limitations: Limited to use in atmospheres from which the wearer can escape unharmed without the aid of the respirator.

The wearer is restricted in movement by the hose and must return to a respirable atmosphere by retracing his route of entry. The hose is subject to being severed or pinched off.

(1) Hose mask:

The hose inlet or blower must be located and secured in a respirable atmosphere.

(a) Hose mask with blower:

If the blower fails, the unit still provides protection, although a negative pressure exists in the facepiece during inhalation.

(b) Hose mask without blower

Maximum hose length may restrict application of device.

(2) Air-line respirator (continuous flow, demand, and pressure-demand types):

The demand type produces a negative pressure in the facepiece on inhalation, whereas continuous flow and pressure-demand types maintain a positive pressure in the respiratory-inlet covering and are less apt to permit inward leakage of contaminants.

Air-line suits may protect against atmospheres that irritate the skin or that may be absorbed through the unbroken skin.

Limitations: Air-line respirators provide no protection if the air supply fails. Some contaminants, such as tritium, may penetrate the material of an air-line suit and limit its effectiveness.

Other contaminants, such as fluorine, may react chemically with the material of an air-line suit and damage it.

COMBINATION AIRLINE RESPIRATORS WITH AUXILIARY SC AIR SUPPLY

The auxiliary self-contained air supply on this type of device allows the wearer to escape from a dangerous atmosphere. This device with auxiliary self-contained air supply is approved for escape and may be used for entry when it contains at least a 15-minute auxiliary self-contained air supply. (See Table V).

TABLE IV—PART 2

CAPABILITIES AND LIMITATIONS OF RESPIRATORS

Air-Purifying Respirators

General limitations: Air-purifying respirators do not protect against oxygen-deficient atmospheres not against skin irritations by, or sorption through the skin of, airborne contaminants.

The maximum contaminant concentration against which an air-purifying respirator will protect is determined by the design efficiency and capacity of the cartridge, canister, or filter and the facepiece-to-face seal on the user. For gases and vapors, the maximum concentration for which the air-purifying element is designed is specified by the manufacturer or is listed on labels of cartridges and canisters.

Nonpowered air-purifying respirators will not provide the maximum design protection specified unless the facepiece or mouthpiece/nose clamp is carefully fitted to the wearer's face to prevent inward leakage (see WAC 296-62-07115(4)). The time period over which protection is provided is dependent on canister, cartridge, or filter type; concentration of contaminant; humidity levels in the ambient atmosphere; and the wearer's respiratory rate.

The proper type of canister, cartridge, or filter must be selected for the particular atmosphere and conditions. Nonpowered air-purifying respirators may cause discomfort due to a noticeable resistance to inhalation. This problem is minimized in powered respirators. Respirator facepieces present special problems to individuals required to wear prescription lenses. These devices do have the advantage of being small, light, and simple in operation.

Use of air-purifying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table V).

VAPOR AND GAS-REMOVING RESPIRATORS

Limitations: No protection is provided against particulate contaminants. A rise in canister or cartridge temperature indicates that a gas or vapor is being removed from the inspired air.

An uncomfortably high temperature indicates a high concentration of gas or vapor and requires an immediate return to fresh air.

Use shall be avoided in atmospheres where the contaminant(s) lacks sufficient warning properties (that is: Odor, taste, or irritation at a concentration in air at or above the permissible exposure limit). Vapor and gas-removing respirators are not approved for contaminants that lack adequate warning properties.

Not for use in atmospheres immediately dangerous to life or health unless the device is powered-type respirator with escape provisions (see Table V).

(1) Full facepiece respirator:

Provides protection against eye irritation in addition to respiratory protection.

(2) Quarter-mask and half-mask facepiece respirator:

A fabric covering (faccelet) available from some manufacturers shall not be used:

(3) Mouthpiece Respirator:

Shall be used only for escape applications. Mouth-breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.

A small lightweight device that can be donned quickly.

PARTICULATE-REMOVING RESPIRATORS

Limitations: Protection against nonvolatile particles only. No protection against gases and vapors.

Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table V).

(1) Full facepiece respirator: Provides protection against eye irritation in addition to respiratory protection.

(2) Quarter-mask and half-mask facepiece respirator: A fabric covering (face-let) available from some manufacturers shall not be used unless approved for use with respirator.

(3) Mouthpiece respirator: Shall be used only for escape applications. Mouth-breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.

A small, lightweight device that can be donned quickly.

COMBINATION PARTICULATE AND VAPOR AND GAS-REMOVING RESPIRATORS

The advantages and disadvantages of the component sections of the combination respirator as described above apply.

COMBINATION ATMOSPHERE-SUPPLYING AND AIR-PURIFYING RESPIRATORS

The advantages and disadvantages expressed above, of the mode of operation being used will govern. The mode with the greater limitations (air-purifying mode) will mainly determine the overall capabilities and limitations of the respirator, since the wearer may for some reason fail to change the mode of operation even though conditions would require such a change.

TABLE V
RESPIRATOR PROTECTION FACTORS^a

{CODIFICATION NOTE: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. In the following table, the original table had columns relating to (1) "type of respirator" which is now "Part 1," and (2) "respirator protection factor" which is now "Part 2." These columns were positioned side by side. In the new WAC format these are split up into two separate tables.}

TABLE V—PART 1
RESPIRATOR PROTECTION FACTORS^a

TYPE OF RESPIRATOR	PERMITTED FOR USE IN OXYGEN-DEFICIENT ATMOSPHERE	PERMITTED FOR USE IN IMMEDIATELY DANGEROUS LIFE OR HEALTH ATMOSPHERE ^F
Particulate filter, quarter-mask or half-mask facepiece ^{b,c}	No	No
Vapor or gas removing, quarter- mask or half-mask facepiece ^c	No	No
Combination particulate filter and vapor or gas removing; quarter-mask or half-mask face- piece ^{b,c}	No	No
Particulate filter, full facepiece ^b	No	No
Vapor or gas removing, full facepiece	No	No
Combination particulate filter and vapor or gas removing, full facepiece ^b	No	No
Powered particulate filter, any respiratory inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)
Powered vapor or gas removing, any respiratory inlet covering ^{c,d}	No	No (yes, if escape provisions are provided ^d)
Powered combination particulate- filter and vapor or gas removing; any respiratory inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)
Air-line, demand quarter-mask or half-mask facepiece, with or without escape provisions ^{c,e}	Yes ^f	No
Air-line, demand full facepiece, with or without escape provisions ^e	Yes ^f	No
Air-line, continuous flow or pres- sure-demand type, any facepiece, without escape provisions ^c	Yes ^f	No
Air-line, continuous flow or pres- sure-demand type, any facepiece, with escape provisions ^{c,e} plus ^h	Yes ^g	Yes
Air-line, continuous flow, helmet, hood, or suit, without escape provisions	Yes ^f	No
Air-line, continuous flow, helmet, hood, or suit, with escape provisions ^e	Yes ^g	Yes
Hose mask, with or without blower, full facepiece	Yes ^f	No

TABLE V—PART 1
RESPIRATOR PROTECTION FACTORS^a

TYPE OF RESPIRATOR	PERMITTED FOR USE IN OXYGEN-DEFICIENT ATMOSPHERE	PERMITTED FOR USE IN IMMEDIATELY DANGEROUS LIFE-OR-HEALTH ATMOSPHERE ^f
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece ^c	Yes ^f	No
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp ^c	Yes ^f (Yes ^g , if respirator is used for mine rescue and mine recovery operations.)	No (Yes, if respirator is used for mine rescue and mine recovery operations.)
Self-contained breathing apparatus, pressure-demand type open-circuit or positive-pressure type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp ^c	Yes ^g	Yes
Combination respirators not listed:	The type and mode of operation having the lowest respirator protection factor shall be applied to the combination respirator.	

TABLE V—PART 2

RESPIRATOR PROTECTION FACTORS^a

QUALITATIVE TEST	QUANTITATIVE TEST
10	As measured on each person with maximum of 100.
10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{id} , whichever is less.
10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{id} , whichever is less.
100	As measured on each person with maximum of 100 if dust, fume or mist filter is used, or maximum of 1,000 if high-efficiency filter is used.
100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 1000, or maximum use limit of cartridge or canister for vapor or gas ^{id} , whichever is less.
100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 of dust, fume, or mist filter is used and maximum of 1,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{id} , whichever is less.
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 if high-efficiency filter is used.	N/A
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3000 or maximum use limit of cartridge or canister for vapor or gas ^{id} , whichever is less.	N/A
N/A	N/A
No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3000 high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{id} , whichever is less.	N/A
10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.

TABLE V—PART 2

RESPIRATOR PROTECTION FACTORS^a

QUALITATIVE TEST	QUANTITATIVE TEST
	100 — As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately dangerous to life or health (IDLH) values.
N/A — No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately dangerous to life or health (IDLH) values.	N/A
N/A — No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A
N/A — No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately dangerous to life or health (IDLH) values.	N/A
N/A — No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A
	10 — As measured on each person, but limited to the use of the respirator concentrations of contaminants below the immediately dangerous to life or health (IDLH) values.
	10 — As measured on each person, but limited to the use of the respirator concentrations of contaminants below the immediately dangerous to life or health (IDLH) values.
	100 — As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately dangerous to life or health (IDLH) values, except when the respirator is used for mine rescue and mine recovery operations.
N/A — No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A

N/A means not applicable since a respirator-fitting test is not carried out.

^a A respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

^b When the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

^c If the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

^d If the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

^e The escape provision shall be an auxiliary self-contained supply of respirable air.

^f For definition of "oxygen deficiency — not immediately dangerous to life or health" see WAC 296-62-07105.

^g For definition of "oxygen deficiency — immediately dangerous to life or health" see WAC 296-62-07105.

^h The protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

ⁱ The service life of a vapor or gas removing cartridge or canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lives. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

^j Vapor and gas removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

Note: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respiratory-inlet covering are not given, since such respirators are approved only for escape purposes.)

Table 1
Classification of Respiratory Hazards According to Their Biological Effect

Oxygen Deficiency	Gas and Vapor Contaminants	Particulate Contaminants (Dust, fog, fume, mist, smoke, and spray)
<p>Minimum legal requirements: 18.0% by volume for respirable air at sea-level conditions. (See Note 1.)</p> <p>Occurrence: Confined or unventilated cellars, wells, mines, ship holds, tanks, burning buildings, and enclosures containing inert atmospheres.</p> <p>Atmospheric oxygen content (percent by volume) versus expected conditions:</p> <p>20.9%: Oxygen content of normal air at sea-level conditions.</p> <p>Oxygen Volume Percent at Sea Level</p> <p>Physiological Effects</p> <p>16%-12% Loss of peripheral vision, increased breathing volume, accelerated heartbeat, impaired attention and thinking, impaired coordination.</p> <p>12%-10% Very faulty judgement, very poor muscular coordination, muscular exertion causes fatigue that may cause permanent heart damage, intermittent respiration.</p> <p>10%-6% Nausea, vomiting, inability to perform vigorous movement, unconsciousness followed by death.</p> <p>Less than 6% Spasmodic breathing, convulsive movements, death in minutes.</p>	<p>Asphyxiants: Interfere with utilization of oxygen in the body.</p> <p>Simple asphyxiants: Physiologically inert substances that dilute oxygen in the air (for example: nitrogen, hydrogen, helium, methane). See Oxygen Deficiency, Column 1.</p> <p>Chemical asphyxiants: Low concentrations interfere with supply or utilization of oxygen in the body (for example: carbon monoxide, hydrogen cyanide, cyanogen, and nitriles).</p> <p>Irritants: Corrosive in action. May cause irritation and inflammation of parts of the respiratory system (also skin and eyes) and pulmonary edema (for example: ammonia hydrogen chloride, formaldehyde, sulfur dioxide, chlorine, ozone, nitrogen dioxide, phosgene, and arsenic trichloride).</p> <p>Anesthetics: Causes loss of feeling and sensation with unconsciousness and death possible (for example: nitrous oxide, hydrocarbons, and ethers). Some anesthetics injure body organs (for example: carbon tetrachloride [liver and kidneys], chloroform [liver and heart], benzene [bone marrow], and carbon disulfide [nervous system]).</p> <p>Sensitizers: Cause increased probability of physiological reactions (for example: isocyanates, epoxy resin systems).</p> <p>Systemic poisons: Damage organs and systems in the body (for example: mercury [nervous system and various organs], phosphorus [bone], hydrogen sulfide [respiratory paralysis], and arsine [red blood cells and liver]).</p> <p>Carcinogens: produce cancer in some individuals after a latent period (for example: vinyl chloride, benzene).</p>	<p>Relatively inert: May cause discomfort and minor irritation, but generally without injury at reasonable concentrations (for example: marble, gypsum).</p> <p>Pulmonary-fibrosis-producing: produce nodulation and fibrosis in the lung, possibly leading to complications (for example: quartz, asbestos).</p> <p>Carcinogens: Produce cancer in some individuals after latent period (for example: asbestos, chromates, radioactive particulates).</p> <p>Chemical irritants: Produce irritation, inflammation, and ulceration in the upper respiratory tract (for example: acidic mists, alkalies).</p> <p>Systemic poisons: Produce pathologic reactions in various systems of the body (for example: lead, manganese, cadmium).</p> <p>Allergy-producing: Produce reactions such as itching, sneezing, and asthma (for example: pollens, spices, and animal fur).</p> <p>Febrile-reaction-producing: Produce chills followed by fever (for example: fumes of zinc and copper).</p>
<p>Combination of Gas, Vapor, and Particulate Contaminants</p> <p>Combinations of contaminants may occur simultaneously in the atmosphere. Contaminants may be entirely different substances (dusts and gases from blasting) or the particulate and vapor forms of the same substance. Synergistic effects (joint action of two or more agents that results in an effect which is greater than the sum of their individual effects) may occur. Such effects may require extraordinary protective measures.</p>		

NOTE 1: See definition in WAC 296-62-07105 for "oxygen deficiency - not immediately dangerous to life or health" and "oxygen deficiency - immediately dangerous to life or health."

Table 2
Classification of Respiratory Hazards According to Their Properties Which Influence Respirator Selection

Gas and Vapor Contaminants	Particulate Contaminants
<p>Inert: Substances that do not react with other substances under most conditions, but create a respiratory hazard by displacing air and producing oxygen deficiency (for example: helium, neon, argon).</p> <p>Acidic: Substances that are acids or that react with water to produce an acid. In water, they produce positively charged hydrogen ions (H^{+1}) and a pH of less than 7. They taste sour, and many are corrosive to tissues (for example: hydrogen chloride, sulfur dioxide, fluorine, nitrogen dioxide, acetic acid, carbon dioxide, hydrogen sulfide, and hydrogen cyanide).</p> <p>Alkaline: Substances that are alkalis or that react with water to produce an alkali. In water, they result in the production of negatively charged hydroxyl ions (OH^{-1}) and a pH greater than 7. They taste bitter, and many are corrosive to tissues (for example: ammonia, amines, phosphine, arsine, and stibine).</p> <p>Organic: The components of carbon. Examples are saturated hydrocarbons (methane, ethane, butane) unsaturated hydrocarbons (ethylene, acetylene) alcohols (methyl ether, ethyl ether) aldehydes (formaldehyde), ketones (methyl ketone), organic acids (formic acid, acetic acid), halides (chloroform, carbon tetrachloride), amides (formamide, acetamide), nitriles (acetonitrile), isocyanates (toluene diisocyanate), amines (methylamine), epoxies (epoxyethane, propylene oxide), and aromatics (benzene, toluene, xylene).</p> <p>Organometallic: Compounds in which metals are chemically bonded to organic groups (for example: ethyl silicate, tetraethyl lead, and organic phosphate).</p> <p>Hydrides: Compounds in which hydrogen is chemically bonded to metals and certain other elements (for example: diborane and tetraborane).</p>	<p>Particles are produced by mechanical means by disintegration processes such as grinding, crushing, drilling, blasting, and spraying; or by physicochemical reactions such as combustion, vaporization, distillation, sublimation, calcination, and condensation. Particles are classified as follows:</p> <p>Dust: A solid, mechanically produced particle with sizes varying from submicroscopic to visible or macroscopic.</p> <p>Spray: A liquid, mechanically produced particle with sizes generally in the visible or macroscopic range.</p> <p>Fume: A solid condensation particle of extremely small particle size, generally less than one micrometer in diameter.</p> <p>Mist: A liquid condensation particle with sizes ranging from submicroscopic to visible or macroscopic.</p> <p>Fog: A mist of sufficient concentration to perceptibly obscure vision.</p> <p>Smoke: A system which includes the products of combustion, pyrolysis, or chemical reaction of substances in the form of visible and invisible solid and liquid particles and gaseous products in air. Smoke is usually of sufficient concentration to perceptibly obscure vision.</p>

Table 3
Classification and Description of Respirators by Mode of Operation

Air-Supplying Respirators	Air-Purifying Respirators
<p>A respirable atmosphere independent of the ambient air is supplied to the wearer.</p>	<p>Ambient air, prior to being inhaled, is passed through a filter, cartridge, or canister which removes particles, vapors, gases, or a combination of these contaminants. The breathing action of the wearer operates the nonpowered type of respirator. The powered type contains a blower - stationary or carried by the wearer - which passes ambient air through an air-purifying component and then supplies purified air to the respirator-inlet covering. The nonpowered type is equipped with a facepiece or mouthpiece and nose clamp. The powered type is equipped with a facepiece, helmet, hood, or suit.</p>
<p>Self-Contained Breathing Apparatus (SCBA) A supply of air, oxygen, or oxygen-generated material is carried by the wearer. Normally equipped with full facepiece, but may be equipped with a quarter-mask facepiece, half-mask facepiece, helmet, hood or mouthpiece and nose clamp.</p> <p>(1) Closed-Circuit SCBA (oxygen only, negative pressure^a or positive pressure^b).</p> <p>(a) Compressed liquid oxygen type. Equipped with a facepiece or mouthpiece and nose clamp. High-pressure oxygen from a gas cylinder passes through a high-pressure reducing valve, and in some designs, through a low-pressure admission valve to a breathing bag or container. Liquid oxygen is converted to low-pressure gaseous oxygen and delivered to the breathing bag. The wearer inhales from the bag, through a corrugated tube connected to a mouthpiece or facepiece and a one-way check valve. Exhaled air passes through another check valve and tube into a container of carbon-dioxide removing chemical and reenters the breathing bag. Make-up oxygen enters the bag continuously or as the bag deflates sufficiently to actuate an admission valve. A pressure-relief system is provided, and a manual bypass and saliva trap may be provided depending upon the design.</p> <p>(b) Oxygen-generating type. Equipped with a facepiece or mouthpiece and nose clamp. Water vapor in the exhaled breath reacts with chemical in the canister to release oxygen to the breathing bag. The wearer inhales from the bag through a corrugated tube and one-way check valve at the facepiece.</p>	<p>Supplied-Air Respirators (1) Hose Mask Equipped with a facepiece, breathing tube, rugged safety harness, and large-diameter heavy-duty non-linking air-supply hose. The breathing tube and air-supply hose are securely attached to the harness. The facepiece is equipped with an exhalation valve. The harness has provision for attaching a safety line.</p> <p>(a) Hose mask with blower. Air is supplied by a motor-driven or hand-operated blower. The wearer can continue to inhale through the hose if the blower fails. Up to 300 feet (91 meters) of hose length is permissible.</p> <p>(b) Hose mask without blower. The wearer provides motivating force to pull air through the hose. The hose inlet is anchored and fitted with a funnel or like object covered with a fine mesh screen to prevent entrance of coarse particulate matter. Up to 75 feet (23 meters) of hose length is permissible.</p> <p>(2) Air-Line Respirator Respirable air is supplied through a small-diameter hose from a compressor or compressed-air cylinder(s). The hose is attached to the wearer by a belt or other suitable means and can be detached rapidly in an emergency. A flow-control valve or orifice is provided to govern the rate of air flow to the wearer. Exhaled air passes to the ambient atmosphere through a valve(s) or opening(s) in the enclosure (facepiece, helmet, hood, or suit). Up to 300 feet (91 meters) of hose length is permissible.</p> <p>Vapor-and Gas-Removing Respirators Equipped with cartridge(s) or canister(s) to remove a single vapor or gas (for example: chlorine gas), a single class of vapors or gases (for example: organic vapors), or a combination of two or more classes of vapors or gases (for example: organic vapors and acidic gases) from air.</p> <p>Particulate-Removing Respirators Equipped with filter(s) to remove a single type of particulate matter (for example: dust) or a combination of two or more types of particulate matter (for example: dust and fume) from air. Filter may be a replaceable part or a permanent part of the respirator. Filter may be of the single-use or the reusable type.</p> <p>Combination Particulate-and Vapor-and Gas-Removing Respirators Equipped with cartridge(s) or canister(s) to remove particulate matter, vapors and gases from air. The filter may be a permanent part or a replaceable part of a cartridge or canister.</p>

Continued

Table 3
Classification and Description of Respirators by Mode of Operation (Continued)

Atmosphere-Supplying Respirators	Air-Purifying Respirators
<p>Self-Contained Breathing Apparatus (SCBA) (Continued) Exhaled air passes through a second check valve/breathing tube assembly into the canister. The oxygen-release rate is governed by the volume of exhaled air. Carbon dioxide in the exhaled breath is removed by the canister fill.</p> <p>(2) Open-Circuit (SCBA) (compressed air, compressed oxygen, liquid air, liquid oxygen). A bypass system is provided in case of regulator failure except on escape-type units.</p> <p>(a) Demand-type.^c Equipped with a facepiece or mouthpiece and nose clamp. The demand valve permits oxygen or air flow only during inhalation. Exhaled breath passes to ambient atmosphere through a valve(s) in the facepiece.</p> <p>(b) Pressure-demand type.^d Equipped with a facepiece only. Positive pressure is maintained in the facepiece. The apparatus may have provision for the wearer to select the demand or pressure-demand mode of operation, in which case the demand mode should be used only when donning or removing the apparatus.</p>	<p>Supplied-Air Respirators (Continued)</p> <p>(a) Continuous-flow class. Equipped with a facepiece, hood, helmet, or suit. At least 115 liters (four cubic feet) of air per minute to tight-fitting facepieces and 170 liters (six cubic feet) of air per minute to loose fitting helmets, hoods and suits is required. Air is supplied to a suit through a system of internal tubes to the head, trunk and extremities through valves located in appropriate parts of the suit.</p> <p>(b) Demand type.^c Equipped with a facepiece only. The demand valve permits flow of air only during inhalation.</p> <p>(c) Pressure-demand type.^d Equipped with a facepiece only. A positive pressure is maintained in the facepiece.</p>
<p>Combination Air-Line Respirators with Auxiliary Self-Contained Air Supply Includes an air-line respirator with an auxiliary self-contained air supply. To escape from a hazardous atmosphere in the event the primary air supply fails to operate, the wearer switches to the auxiliary self-contained air supply. Devices approved for both entry into and escape from dangerous atmospheres have a low-pressure warning alarm and contain at least a 15-minute self-contained air supply.</p>	
<p>Combination Atmosphere-Supplying and Air-Purifying Respirators</p>	
<p>Provide the wearer with the option of using either of two different modes of operation: (1) an atmosphere-supplying respirator with an auxiliary air-purifying attachment which provides protection in the event the air supply fails or (2) an air-purifying respirator with an auxiliary self-contained air supply which is used when the atmosphere may exceed safe conditions for use of an air-purifying respirator.</p>	
<p>^aDevice produces negative pressure in respiratory-inlet covering during inhalation.</p>	
<p>^bDevice produces positive pressure in respiratory-inlet covering during both inhalation and exhalation.</p>	
<p>^cEquipped with a demand valve that is activated on initiation of inhalation and permits the flow of breathing atmosphere to the facepiece. On exhalation, pressure in the facepiece becomes positive and the demand valve is deactivated.</p>	
<p>^dA positive pressure is maintained in the facepiece by a spring-loaded or balanced regulator and exhalation valve.</p>	

Table 4
Capabilities and Limitations of Respirators

Atmosphere-Supplying Respirators		Air-Purifying Respirators	
<p>(See WAC 296-62-07111 for specifications on respirable atmospheres.) Atmospheric-supplying respirators provide protection against oxygen deficiency and toxic atmospheres. The breathing atmosphere is independent of ambient atmospheric conditions.</p> <p>General Limitations: Except for some air-line suits, no protection is provided against skin irritation by materials such as ammonia and hydrogen chloride, or against sorption of materials such as hydrogen cyanide, tritium, or organic phosphate pesticides through the skin. Facepieces present special problems to individuals required to wear prescription lenses. Use of atmosphere-supplying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (see Table 5.)</p>		<p>General Limitations: Air-purifying respirators do not protect against oxygen-deficient atmospheres nor against skin irritation by, or sorption through the skin of, airborne contaminants.</p> <p>The maximum contaminant concentration against which an air-purifying respirator will protect is determined by the design efficiency and capacity of the cartridge, canister, or filter and the facepiece-to-face seal on the user. For gases and vapors, the maximum concentration for which the air-purifying element is designed is specified by the manufacturer or is listed on labels of cartridges and canisters.</p> <p>Nonpowered air-purifying respirators will not provide the maximum design protection specified unless the facepiece or mouthpiece/nose clamp is carefully fitted to the wearer's face to prevent inward leakage (WAC 296-62-07115(4)). The time period over which protection is provided is dependent on canister, cartridge, or filter type; concentration of contaminant; humidity levels in the ambient atmosphere; and the wearer's respiratory rate.</p> <p>The proper type of canister, cartridge, or filter must be selected for the particular atmosphere and conditions. Nonpowered air-purifying respirators may cause discomfort due to a noticeable resistance to inhalation. This problem is minimized in powered respirators. Respirator facepieces present special problems to individuals required to wear prescription lenses. These devices do have the advantage of being small, light, and simple in operation.</p> <p>Use of air-purifying respirators in atmospheres immediately dangerous to life or health is limited to specific devices under specified conditions (See Table 5).</p>	
<p>Self-Contained Breathing Apparatus (SCBA)</p> <p>The wearer carries his own breathing atmosphere.</p> <p>Limitations: The period over which the device will provide protection is limited by the amount of air or oxygen in the apparatus, the ambient atmospheric pressure (service life of open-circuit devices is cut in half by a doubling of the atmospheric pressure), and the type of work being performed. Some SCBA devices have a short service life (less than 15 minutes) and are suitable only for escape (self-rescue) from an irrespirable atmosphere.</p> <p>Chief Limitations of SCBA devices are their weight or bulk, or both, limited service life, and the training required for their maintenance and safe use.</p> <p>(1) Closed-Circuit SCBA The closed-circuit operation conserves oxygen and permits longer service life at reduced weight.</p>	<p>Supplied-Air Respirators</p> <p>The respirable air supply is not limited to the quantity the individual can carry, and the devices are lightweight and simple.</p> <p>Limitations: Limited to use in atmospheres from which the wearer can escape unharmed without the aid of the respirator.</p> <p>The wearer is restricted in movement by the hose and must return to a respirable atmosphere by retracing his route of entry. The hose is subject to being severed or pinched off.</p> <p>(1) Hose Mask. The hose inlet or blower must be located and secured in a respirable atmosphere. (a) Hose mask with blower. If the blower fails, the unit still provides protection, although a negative pressure exists in the facepiece during inhalation. (b) Hose mask without blower. Maximum hose length may restrict application of device.</p>	<p>Vapor and Gas-Removing Respirators</p> <p>Limitations: No protection is provided against particulate contaminants. A rise in canister or cartridge temperature indicates that a gas or vapor is being removed from the inspired air.</p> <p>An uncomfortably high temperature indicates a high concentration of gas or vapor and requires an immediate return to fresh air.</p>	<p>Particulate-Removing Respirators</p> <p>Limitations: Protection against non-volatile particles only. No protection against gases and vapors.</p> <p>Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table 5).</p>

Continued

Table 4
Capabilities and Limitations of Respirators (Continued)

Atmosphere-Supplying Respirators		Air-Purifying Respirators	
<p>Self-Contained Breathing Apparatus (Cont.)</p> <p>The negative-pressure type produces a negative pressure in the respiratory-inlet covering during inhalation, and this may permit inward leakage of contaminants; whereas the positive-pressure type always maintains a positive pressure in the respiratory-inlet covering and is less apt to permit inward leakage of contaminants.</p> <p>(2) Open Circuit SCBA. The demand type produces a negative pressure in the respiratory-inlet covering during inhalation, whereas the pressure-demand type maintains a positive pressure in the respiratory-inlet covering during inhalation and is less apt to permit inward leakage of contaminants.</p>	<p>Supplied-Air Respirators (Cont.)</p> <p>(2) Air-Line Respirator (Continuous Flow, Demand and Pressure-Demand Types). The demand type produces a negative pressure in the facepiece on inhalation, whereas continuous-flow and pressure-demand types maintain a positive-pressure in the respirator-inlet covering and are less apt to permit inward leakage of contaminants.</p> <p>Air-line suits may protect against atmospheres that irritate the skin or that may be absorbed through the unbroken skin.</p> <p>Limitations: Air-line respirators provide no protection if the air supply fails. Some contaminants, such as tritium, may penetrate the material of an air-line suit and limit its effectiveness.</p> <p>Other contaminants, such as fluorine, may react chemically with the material of an air-line suit and damage it.</p>	<p>Vapor and Gas-Removing Respirators (Cont.)</p> <p>Use should be avoided in atmospheres where the contaminant(s) lack sufficient warning properties (that is: odor, taste, or irritation at a concentration in air at or above the permissible exposure limit). (Vapor- and gas-removing respirators are not approved for contaminants that lack adequate warning properties.)</p> <p>Not for use in atmospheres immediately dangerous to life or health unless the device is a powered-type respirator with escape provisions (see Table 5).</p> <p>(1) Full Facepiece Respirator. Provides protection against eye irritation in addition to respiratory protection.</p> <p>(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelet) available from some manufacturers shall not be used.</p> <p>(3) Mouthpiece Respirator. Shall be used only for escape application. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.</p> <p>A small, lightweight device that can be donned quickly.</p>	<p>Particulate-Removing Respirators (Cont.)</p> <p>(1) Full Facepiece Respirator. Provides protection against eye irritation in addition to respiratory protection.</p> <p>(2) Quarter-Mask and Half-Mask Facepiece Respirator. A fabric covering (facelet) available from some manufacturers shall not be used unless approved for use with respirator.</p> <p>(3) Mouthpiece Respirator. Shall be used only for escape applications. Mouth breathing prevents detection of contaminant by odor. Nose clamp must be securely in place to prevent nasal breathing.</p> <p>A small, lightweight device that can be donned quickly.</p>
<p>Combination Airline Respirators with Auxiliary SC Air Supply</p> <p>The auxiliary self-contained air supply on this type of device allows the wearer to escape from a dangerous atmosphere. This device with auxiliary self-contained air supply is approved for escape and may be used for entry when it contains at least 15-minute auxiliary self-contained air supply. (See Table 5).</p>		<p>Combination Particulate-and-Vapor-and Gas-Removing Respirators</p> <p>The advantages and disadvantages of the component sections of the combination respirator as described above apply.</p>	

Combination Atmosphere-Supplying and Air-Purifying Respirators

The advantages and disadvantages, expressed above, of the mode of operation being used will govern. The mode with the greater limitations (air-purifying mode) will mainly determine the overall capabilities and limitations of the respirator, since the wearer may for some reason fail to change the mode of operation even though conditions would require such a change.

Table 5
RESPIRATOR PROTECTION FACTORS^a

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous-to-Life-or-Health Atmosphere ^f	Qualitative Test	Quantitative Test
Particulate-filter, quarter-mask or half-mask facepiece ^{b,c}	No	No	10	As measured on each person with maximum of 100.
Vapor- or gas-removing, quarter-mask or half-mask facepiece ^c	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Combination particulate-filter and vapor- or gas-removing, quarter-mask or half-mask facepiece ^{b,c}	No	No	10, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Particulate-filter, full facepiece ^b	No	No	100	As measured on each person with maximum of 100 if dust, fume, or mist filter is used or maximum of 1,000 if high-efficiency filter is used.
Vapor- or gas-removing, full facepiece	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 1,000 or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Combination particulate-filter and vapor- or gas-removing, full facepiece ^b	No	No	100, or maximum use limit of cartridge or canister for vapor or gas, whichever is less.	As measured on each person with maximum of 100 if dust, fume, or mist filter is used and maximum of 1,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.
Powered particulate-filter, any respiratory-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3,000 if high-efficiency filter is used.	N/A
Powered vapor- or gas-removing, any respiratory-inlet covering ^{c,d}	No	No (yes, if escape provisions are provided ^d)	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 3,000 or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.	N/A
Powered combination particulate-filter and vapor- or gas-removing, any respirator-inlet covering ^{b,c,d}	No	No (yes, if escape provisions are provided ^d)	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 100 if dust, fume, or mist filter is used and 3,000 if high-efficiency filter is used, or maximum use limit of cartridge or canister for vapor or gas ^{i,j} , whichever is less.	N/A
Air-line, demand, quarter-mask or half-mask facepiece, with or without escape provisions ^{c,e}	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.

(Continued)

Table 5
RESPIRATOR PROTECTION FACTORS^a
(Continued)

Type of Respirator	Permitted for Use in Oxygen-Deficient Atmosphere	Permitted for Use in Immediately-Dangerous-to-Life-or-Health Atmosphere ^f	Qualitative Test	Quantitative Test
Air-line, demand, full facepiece, with or without escape provisions ^e	Yes ^f	No	100	As measured on each person, but limited to the use of the respirators in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece without escape provisions ^c	Yes ^f	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line, continuous-flow or pressure-demand type, any facepiece with escape provisions ^{c, e}	Yes ^g	Yes	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .
Air-line, continuous flow, helmet, hood, or suit, without escape provisions	Yes ^f	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The protection factor provided by the respirator is limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Air-line continuous flow, helmet, hood, or suit, with escape provisions ^e	Yes ^g	No	N/A	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .
Hose mask, with or without blower, full facepiece	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit, or negative-pressure-type closed-circuit, quarter-mask or half-mask facepiece ^c	Yes ^f	No	10	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values.
Self-contained breathing apparatus, demand-type open-circuit or negative-pressure-type closed-circuit, full facepiece or mouthpiece/nose clamp ^c	Yes (Yes ^g if respirator is used for mine rescue and mine recovery operations.)	No (Yes if respirator is used for mine rescue and mine recovery operations.)	100	As measured on each person, but limited to the use of the respirator in concentrations of contaminants below the immediately-dangerous-to-life-or-health (IDLH) values, except when the respirator is used for mine rescue and mine recovery operations

Table 5
RESPIRATOR PROTECTION FACTORS^a
(Continued)

Type of Respirator	Permitted For Use in Oxygen-Deficient Atmosphere	Permitted For Use in Immediately-Dangerous-to-Life-or-Health Atmosphere ^f	Qualitative Test	Quantitative Test
Self-contained breathing apparatus, pressure-demand type open-circuit or positive-pressure type closed-circuit, quarter-mask or half-mask facepiece, full facepiece, or mouthpiece/nose clamp ^c	Yes ^g	Yes	N/A No tests are required due to positive-pressure operation of respirator. The maximum protection factor is 10,000 plus ^h .	N/A
Combination respirators not listed.	The type and mode of operation having the lowest respirator protection factor shall be applied to the Combination Respirator not listed.			

N/A/ means not applicable since a respirator-fitting test is not carried out.

^aA respirator protection factor is a measure of the degree of protection provided by a respirator to a respirator wearer. Multiplying the permissible time-weighted average concentration or the permissible ceiling concentration, whichever is applicable, for a toxic substance, or the maximum permissible airborne concentration for a radionuclide, by a protection factor assigned to a respirator gives the maximum concentration of the hazardous substance for which the respirator can be used. Limitations of filters, cartridges, and canisters used in air-purifying respirators shall be considered in determining protection factors.

^bWhen the respirator is used for protection against airborne particulate matter having a permissible time-weighted average concentration less than 0.05 milligram particulate matter per cubic meter of air or less than 2 million particles per cubic foot of air, or for protection against airborne radionuclide particulate matter, the respirator shall be equipped with a high-efficiency filter(s).

^cIf the air contaminant causes eye irritation, the wearer of a respirator equipped with a quarter-mask or half-mask facepiece or mouthpiece and nose clamp shall be permitted to use a protective goggle or to use a respirator equipped with a full facepiece.

^dIf the powered air-purifying respirator is equipped with a facepiece, the escape provision means that the wearer is able to breathe through the filter, cartridge, or a canister and through the pump. If the powered air-purifying respirator is equipped with a helmet, hood, or suit, the escape provision shall be an auxiliary self-contained supply of respirable air.

^eThe escape provision shall be an auxiliary self-contained supply of respirable air.

^fFor definition of "oxygen deficiency - not immediately dangerous to life or health" see WAC 296-62-07105.

^gFor definition of "oxygen deficiency - immediately dangerous to life or health" see WAC 296-62-07105.

^hThe protection factor measurement exceeds the limit of sensitivity of the test apparatus. Therefore, the respirator has been classified for use in atmospheres having unknown concentrations of contaminants.

ⁱThe service life of a vapor-or-gas removing cartridge canister depends on the specific vapor or gas, the concentration of the vapor or gas in air, the temperature and humidity of the air, the type and quantity of the sorbent in the cartridge or canister, and the activity of the respirator wearer. Cartridges and canisters may provide only very short service lives for certain vapors and gases. Vapor/gas service life testing is recommended to ensure that cartridges and canisters provide adequate service lines. Reference should be made to published reports which give vapor/gas life data for cartridges and canisters.

^jVapor-and-gas removing respirators are not approved for contaminants that lack adequate warning properties of odor, irritation, or taste at concentrations in air at or above the permissible exposure limits.

NOTE: Respirator protection factors for air-purifying-type respirators equipped with a mouthpiece/nose clamp form of respirator-inlet covering are not given, since such respirators are approved only for escape purposes.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-62-07115 USE OF RESPIRATORS. (1) Standard operating procedures. Written standard operating procedures shall cover a complete respirator program and shall include information necessary for the proper use of respirators, including training of respirator wearers, respirator sealing tests, issuance of respirators, inspection of respirators prior to use, monitoring respirator use, monitoring respiratory hazard, and planning for routine, nonroutine, emergency, and rescue uses of respirators.

(a) The written standard operating procedures shall include plans necessary to ensure the safe routine use and nonroutine use of respirators. Emergency and rescue uses of respirators shall be anticipated, and the written standard operating procedures shall include plans necessary to ensure the safe emergency and rescue uses of respirators. Persons who wear respirators routinely, who wear respirators nonroutinely, and who may be required to wear respirators for emergency and rescue work shall be given adequate information concerning plans covering these respirator uses to ensure the safe use of respirators.

(b) Standard operating procedures for emergency and rescue use of respirators. It is recognized that it is not possible to foresee every emergency and rescue use of respirators for every kind of operation. Nevertheless, a wide variety of possible conditions requiring the emergency or rescue use of respirators can be envisioned and an adequate emergency and rescue respirator-response capability can be achieved

through a serious effort to anticipate the worst possible consequences of particular malfunctions or mishaps.

The written standard operating procedures governing the emergency and rescue uses of respirators shall be developed in the following manner:

(i) An analysis of the emergency and rescue uses of respirators that may occur in each operation shall be made by careful consideration of materials, equipment, processes, and personnel involved. Such an analysis shall be reviewed by the person who is thoroughly familiar with the particular operation. Consideration shall be given to past occurrences requiring emergency or rescue uses of respirators as well as conditions which resulted in such respirator applications. The possible consequences of equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error shall be given consideration. All potential hazards which may result in emergency or rescue use of respirators shall be listed.

(ii) Based upon the analysis, appropriate types of respirators shall be selected, an adequate number shall be provided for each area where they may be needed for emergency or rescue use, and these respirators shall be maintained and stored so that they are readily accessible and operational when needed.

(iii) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional man shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(iv) When self-contained breathing apparatus or airline respirators with an escape provision are used in atmospheres immediately dangerous to life or health, standby workers must be present at the nearest fresh air base with suitable rescue equipment.

(v) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby worker or workers with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(2) Training. The supervisor, the person issuing respirators, and the respirator wearers shall be given adequate training by a qualified person(s) to ensure the proper use of respirators. Written records shall be kept of the names of the persons trained and the dates when training occurred.

(a) Training of supervisor. A supervisor - that is, a person who has the responsibility of overseeing the work activities of one or more persons who must wear respirators - shall be given adequate training to ensure the proper use of respirators.

(b) Training of person issuing respirators. A person assigned the task of issuing respirators to persons who must wear respirators for protection against harmful atmospheres shall be given adequate training to ensure that the correct respirator is issued for each application in accordance with written standard operating procedures.

(c) Training of respirator wearer. To ensure the proper and safe use of a respirator, the minimum training of each respirator wearer shall include the following elements:

- (i) The reasons for the need of respiratory protection.
- (ii) The nature, extent, and effects of respiratory hazards to which the person may be exposed.
- (iii) An explanation of why engineering controls are not being applied or are not adequate and of what effort is being made to reduce or eliminate the need for respirators.
- (iv) An explanation of why a particular type of respirator has been selected for a specific respiratory hazard.
- (v) An explanation of the operation, and the capabilities and limitations, of the respirator selected.
- (vi) Instruction in inspecting, donning, checking the fit of, and wearing the respirator.
- (vii) An opportunity for each respirator wearer to handle the respirator, learn how to don and wear it properly, check its seals, wear it in a safe atmosphere, and wear it in a test atmosphere.
- (viii) An explanation of how maintenance and storage of the respirator is carried out.
- (ix) Instructions in how to recognize and cope with emergency situations.

- (x) Instructions as needed for special respirator use.
 - (xi) Regulations concerning respirator use.
- (A) Wearing instructions and training. Wearing instructions and training, including practice demonstrations, shall be given to each respirator wearer and shall cover:

((~~aa~~)) (I) Donning, wearing, and removing the respirator.
 ((~~bb~~)) (II) Adjusting the respirator so that its respiratory-inlet covering is properly fitted on the wearer and so that the respirator causes a minimum of discomfort to the wearer.

((~~cc~~)) (III) Allowing the respirator wearer to wear the respirator in a safe atmosphere for an adequate period of time to ensure that the wearer is familiar with the operational characteristics of the respirator.

((~~dd~~)) (IV) Providing the respirator wearer an opportunity to wear the respirator in a test atmosphere to demonstrate that the respirator provides protection to the wearer. A test atmosphere is any atmosphere in which the wearer can carry out activities simulating work movements and respirator leakage or respirator malfunction can be detected by the wearer.

(B) Retraining. Each respirator wearer shall be retrained as necessary to assure effective respirator use. Refresher training shall be given at least annually and shall include the provisions of ((~~WAC 296-62-0715~~ (2)))(c)(vii) through ((~~(2)(c)~~))(xi)(A)((~~(c)~~)) (III) of this subsection.

(3) Respirator sealing problems. Respirators shall not be worn when conditions prevent a seal of the respirator to the wearer.

(a) A person who has hair (stubble, moustache, sideburns, beard, low hairline, bangs) which passes between the face and the sealing surface of the facepiece of the respirator shall not be permitted to wear such a respirator.

(b) A person who has hair (moustache, beard) which interferes with the function of a respirator valve(s) shall not be permitted to wear the respirator.

(c) A spectacle which has temple bars or straps which pass between the sealing surface of a respirator full facepiece and the wearer's face shall not be used.

(d) A head covering which passes between the sealing surface of a respirator facepiece and the wearer's face shall not be used.

(e) The wearing of a spectacle, a goggle, a faceshield, a welding helmet, or other eye and face protective device which interferes with the seal of a respirator to the wearer shall not be allowed.

(f) If scars, hollow temples, excessively protruding cheekbones, deep creases in facial skin, the absence of teeth or dentures, or unusual facial configurations prevent a seal of a respirator facepiece to a wearer's face, the person shall not be permitted to wear the respirator.

(g) If missing teeth or dentures prevent a seal of a respirator mouthpiece in a person's mouth, the person shall not be allowed to wear a respirator equipped with a mouthpiece.

(h) If a person has a nose of a shape or size which prevents the closing of the nose by the nose clamp of a mouthpiece/nose-clamp type of respirator, the person shall not be permitted to wear this type of respirator.

(4) Respirator sealing tests. To ensure proper protection, the wearer of a respirator equipped with a facepiece shall check the seal of the facepiece prior to each entry into a hazardous atmosphere. This may be done using procedures recommended by respirator manufacturers or by approved field tests.

(5) Issuance of respirators. The proper respirator shall be specified for each application and shall be listed in the written standard operating procedures. If a respirator is marked for the worker to whom it is assigned or for other identification purposes, the markings shall not affect the respirator performance in any way.

(6) Respirator inspection prior to use. Each person issued a respirator for routine, nonroutine, emergency, or rescue use shall inspect the respirator prior to its use to ensure that it is in good operating condition.

(7) Monitoring respirator use. The use of respirators on a routine or nonroutine basis shall be monitored to ensure that the correct respirators are being used, that the respirators are being worn properly and that the respirators being used are in good working condition.

(8) Evaluation of respiratory hazard during use. The level of the respiratory hazard in the workplace to which a person wearing a respirator is exposed shall be evaluated periodically.

(9) Leaving a hazardous area. A respirator wearer shall be permitted to leave the hazardous area for any respirator-related cause. Reasons which may cause a respirator wearer to leave a hazardous area include, but are not limited to, the following:

- (a) Failure of the respirator to provide adequate protection.
- (b) Malfunction of the respirator.
- (c) Detection of leakage of air contaminant into the respirator.
- (d) Increase in resistance of respirator to breathing.
- (e) Severe discomfort in wearing the respirator.
- (f) Illness of respirator wearer, including: Sensation of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever, and chills.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-62-07521 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air ($30 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air ($50 \mu\text{g}/\text{m}^3$) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g/m}^3\text{)} = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g/m}^3$.

(5) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (6) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu\text{g/m}^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu\text{g/m}^3$.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	Compliance Dates ²		
	200 $\mu\text{g/m}^3$	100 $\mu\text{g/m}^3$	50 $\mu\text{g/m}^3$
Primary lead production	(3)	3	10
Secondary lead production	(3)	3	5
Lead-acid battery manufacturing	(3)	2	5
Automobile manufacture/ solder grinding	(3)	N/A	7
Electronics, gray iron foundries, ink manufacture, paints and coatings manufacture, wall paper manufacture, can manufacture, and printing	(3)	N/A	1
Lead pigment manufacture, nonferrous foundries, leaded steel manufacture, lead chemical manufacture, shipbuilding and ship repair, battery breaking in the collection and processing of scrap (excluding collection and processing of scrap which is part of	(3)	N/A	1

Industry ¹	Compliance Dates ²		
	200 µg/m ³	100 µg/m ³	50 µg/m ³
a secondary smelting operation), secondary lead smelting of copper, and lead casting	(3)	N/A	N/A
All other industries	(3)	N/A	2 1/2

¹Includes ancillary activities located on the same worksite.
²Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved.
³On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 µg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 µg/m³ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system

has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ^{2,3}
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ² ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

¹Respirators specified for high concentrations can be used at lower concentrations of lead.

²Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter for each employee wearing negative pressure respirators. The qualitative fit tests may be used only for testing the fit of half-

mask respirators where they are permitted to be worn, and shall be conducted in accordance with Appendix D. The tests shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over $200 \mu\text{g}/\text{m}^3$ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the re-entry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms,

lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above $40 \mu\text{g}/100 \text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below $40 \mu\text{g}/100 \text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or $6 \mu\text{g}/100 \text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in

writing each employee whose blood lead level exceeds 40 µg/100 g: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 µg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

((~~aa~~)) (I) Blood lead level;

((~~bb~~)) (II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

((~~cc~~)) (III) Zinc protoporphyrin;

((~~dd~~)) (IV) Blood urea nitrogen; and

((~~ee~~)) (V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

((~~aa~~)) (I) To review any findings, determinations or recommendations of the initial physician; and

((~~bb~~)) (II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

((~~aa~~)) (I) The employee informing the employer that he or she intends to seek a second medical opinion, and

((~~bb~~)) (II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

((~~aa~~)) (I) To review any findings, determinations or recommendations of the prior physicians; and

((~~bb~~)) (II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

((~~aa~~)) (I) A copy of this regulation for lead including all appendices;

((~~bb~~)) (II) A description of the affected employee's duties as they relate to the employee's exposure;

((~~cc~~)) (III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

((~~dd~~)) (IV) A description of any personal protective equipment used or to be used;

((~~ee~~)) (V) Prior blood lead determinations; and

((~~ff~~)) (VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

((~~aa~~)) (I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

((~~bb~~)) (II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

((~~cc~~)) (III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

((~~dd~~)) (IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

((~~aa~~)) (I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

((~~bb~~)) (II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{ g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{ g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $60 \mu\text{g}/100 \text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above $50 \mu\text{g}/100 \text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

~~((aaa))~~ (I) For an employee removed due to a blood lead level at or above $80 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $60 \mu\text{g}/100 \text{ g}$ of whole blood;

~~((bbb))~~ (II) For an employee removed due to a blood lead level at or above $70 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $50 \mu\text{g}/100 \text{ g}$ of whole blood;

~~((ccc))~~ (III) For an employee removed due to a blood lead level at or above $60 \mu\text{g}/100 \text{ g}$, or due to an average blood lead level at or above $50 \mu\text{g}/100 \text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below $40 \mu\text{g}/100 \text{ g}$ of whole blood;

~~((ddd))~~ (IV) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final

medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

~~((aaa))~~ (I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

~~((bbb))~~ (II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical

determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. The effective date of this standard is September 6, 1980.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary smelting and refining, lead storage battery manufacturing, lead pigment manufacturing and nonferrous foundry industries - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

WSR 88-09-075

PROPOSED RULES

COMMITTEE FOR DEFERRED COMPENSATION

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Committee for Deferred Compensation intends to adopt, amend, or repeal rules concerning the amending of WAC 154-04-040, 154-12-015, 154-12-020, 154-12-030, 154-12-110 and 154-24-010;

that the agency will at 1:30 p.m., Tuesday, May 24, 1988, in the Committee for Deferred Compensation Offices, 2400 Martin Way, Suite "D", Olympia, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 41.04 RCW.

The specific statute these rules are intended to implement is RCW 41.04.250 and 41.04.260.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 16, 1988.

Dated: April 19, 1988

By: Mary Bush
Manager

STATEMENT OF PURPOSE

Amending WAC 154-04-040, 154-12-015, 154-12-020, 154-12-030, 154-12-110 and 154-24-010.

Statutory Authority: RCW 41.04.250 and 41.04.260.

Specific Statute Rule is Intended to Implement: RCW 41.04.250 and 41.04.260.

Summary of Rule: WAC 154-04-040, to remove reference to gender and to broaden definition; WAC 154-12-015, to redefine acceptable transfer procedures to comply with recent Internal Revenue Code provisions; WAC 154-12-020, to specifically identify relationships of maximum deferral limitations with consideration to Internal Revenue Code 403(B); WAC 154-12-030, other IRC 457 plans no longer need be sponsored in Washington state only; WAC 154-12-110, to elaborate the definition on distribution of deferrals; and WAC 154-24-010, to specify within sixty days instead of the vagueness of as soon as possible.

Reason: To stay in compliance with current Internal Revenue Code revisions under Section 457.

Responsibility: Committee for Deferred Compensation, Lee Dreisbach, Director, Mary Bush, Client Service Manager.

Proposing: Committee for Deferred Compensation.

Comments: None.

Rule not required by federal law or state court action.

Small Business Economic Statement: Not required.

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

WAC 154-04-040 NORMAL RETIREMENT AGE. "Normal retirement age" means the range of ages:

- (1) Ending not later than age seventy and one-half; and
- (2) Beginning not earlier than the earliest age at which the participant has the right to retire under ~~((the state's basic))~~ a state authorized pension for which ~~((he is))~~ the participant is eligible without consent of the state and under which ~~((he))~~ the participant will receive immediate retirement benefits without actuarial adjustment due to retirement prior to some later specified age in ~~((the state's basic))~~ a state authorized pension plan.

In the case of a participant who continues to work beyond the ages specified above, normal retirement age shall be that date or age designated by the participant or the date or age at which the participant separates from service with the state. Provided, however, that the participant's election to defer amounts in excess of the maximum deferral allowed by WAC 154-12-020 but within the limited catch-up permitted by WAC 154-12-030 shall constitute a designation of an age pursuant to this section.

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

WAC 154-12-015 ACCEPTANCE OF INTERPLAN TRANSFERS. Pursuant to Section 1.457-(2)(k) of the final regulations promulgated under section 457 of the code ~~((; this plan will allow for the acceptance of amounts deferred by participants under plans having met the transfer requirements of section 457 of the code and said regulations, and will also allow for the transfer out to eligible 457 plans of the code having met the transfer requirements of section 457 of the code and said regulations))~~:

(1) Transfers to the plan. If a participant was formerly a participant in an eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder), and if such a plan permits the direct transfer of the participant's interest therein to the plan, then the plan shall accept assets representing the value of such interest; provided, however, the administrator may require in his sole discretion that some or all of such interest be transferred in cash or its equivalent. Such amount shall be held, accounted for, administered, and otherwise treated in the same manner as compensation deferred by the participant under the plan except that:

(a) Only the amount, if any, transferred to the plan which was deferred under the transferor plan in the taxable year when transfer occurs shall be treated as compensation deferred under the plan in such year.

(b) Such amount shall remain subject to, and shall be administered in accordance with, any irrevocable elections made under the transferor plan with respect to such amount.

(2) Transfers from the plan. The amounts credited to the account of a former participant in the plan may be transferred to another eligible state deferred compensation plan (within the meaning of section 457 of the code and the regulations thereunder) and in which the former participant currently participates, and if such plan provides for the acceptance of such amounts; provided, however, that if a participant terminates his service with the participating employer in order to accept employment with the entity sponsoring such plan and if such plan accepts transferred amounts, then payment of benefits under the plan will not commence, regardless of any other provision of this plan, and the deferrals will automatically be transferred to such plan.

(3) Application for transfer. If the conditions in subsections (1) and (2) of this section are met and the participant wishes to transfer his/her account, he/she shall complete any application form and/or other documents as may be required by the administrator.

(4) Administrative rules. The committee shall prescribe such rules consistent with the provisions of subsections (1) and (2) of this section concerning plan-to-plan transfers as in its sole judgment it deems desirable for the orderly administration of the plan.

AMENDATORY SECTION (Amending Order 84-4, filed 11/13/84)

WAC 154-12-020 DEFERRAL LIMITATIONS. Except as provided in WAC 154-12-030, the maximum that may be deferred under the plan for any taxable year of a participant shall not exceed the lesser of (1) \$7,500 or (2) 33 1/3% of the participant's includible compensation, each reduced by any amount excludable from the participant's gross income for that taxable year under Section 403(b) of the Internal Revenue Code on account of participating employer contributions. In the case of a person who participates in more than one deferred compensation plan governed by Section 457 of the Internal Revenue Code, the limitations set forth shall apply to all such plans considered together for the taxable year, or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import.

AMENDATORY SECTION (Amending Order 84-4, filed 11/13/84)

WAC 154-12-030 CATCH-UP PROVISION. For one or more of the participant's last three taxable years ending before attaining normal retirement age under the plan, the maximum deferral shall be the lesser of (1) \$15,000 for the taxable year, reduced by any amount excludable from the participant's gross income for the taxable year under Section 403(b) on account of contributions made by your employer, or (2) the sum of (a) the limitations established for purposes of WAC 154-12-020 of the plan for the taxable year (determined without regard to this section), plus (b) so much of the limitation established under WAC 154-12-020 for taxable years before the taxable year as has not theretofore been used under WAC 154-12-020 or 154-12-030; or as may be otherwise provided in Section 457 of the Internal Revenue Code or any successor statute of similar import. A prior taxable year shall be taken into account only if: (i) It begins after December 31, 1978; (ii) the participant was eligible to participate in the plan during all or any portion of the taxable year, and; (iii) compensation deferred (if any) under the plan during the taxable year was subject to a maximum limitation (as established under WAC 154-12-020).

A prior taxable year includes a taxable year in which the participant was eligible to participate in an eligible plan sponsored by another entity ~~((; providing that the other entity sponsoring the plan is located within the state of Washington))~~. In no event can the participant elect to have the catch-up provision apply more than once whether or not the full catch-up had been utilized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For purposes of this plan, an unforeseeable emergency shall be severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or of a dependent (as defined in Section 152(a) of the Internal Revenue Code) of the participant, loss of the participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. The circumstances that will constitute an unforeseeable emergency will depend upon the facts of each case, but, in any case, payment shall not be made to the extent that such hardship is or may be relieved (1) through reimbursement or compensation by insurance or otherwise; (2) by liquidation of the participant's assets, to the extent liquidation of such assets would not itself cause severe financial hardship; or (3) by cessation of deferrals under the plan. Examples of what shall not be considered to be unforeseeable emergencies include the need to send a participant's child to college or the desire to purchase a home.

WSR 88-09-076

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning water pollution control facilities financing, chapter 70.146 RCW;

that the agency will at 10:00 a.m., Tuesday, May 24, 1988, in the Spokane City Council Chambers, City Hall, West 808 Spokane Falls Boulevard, Spokane, WA; and at 10:00 a.m., Wednesday, May 25, 1988, in the Wenatchee City Council Chambers, City Hall, 129 South Chelan Street, Wenatchee, WA; and at 10:00 a.m., Thursday, May 26, 1988, in Hearing Room A, Skagit County Administration Building, Second and Kincaid Street, Mt. Vernon, WA; and at 10:00, Friday, May 27, 1988, in the EFSEC Hearing Room, Rowesix Building 1, 4224 6th Avenue, Lacey, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 5, 1988.

The authority under which these rules are proposed is chapter 43.21A RCW.

The specific statute these rules are intended to implement is chapter 70.146 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 6, 1988.

Dated: April 20, 1988

By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 173-95 WAC, Limitations on use of water quality account funds.

Description of Purpose: To establish administrative procedures for obligating grants and loans to public bodies for the planning, design, acquisition, construction and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters.

Statutory Authority: Chapter 70.146 RCW.

Summary of Rule: The Department of Ecology proposes a regulation to establish administrative procedures for implementing the Centennial Clean Water Act, chapter 70.146 RCW. The act provides for the distribution of \$40-45 million per year to public bodies for water pollution control activities and facilities. The purpose of the regulation is to outline the limitations and uses of the funds, the priority rating criteria to determine which projects will receive the funds, the process for distributing the funds, funding levels and other related items.

The regulation consists of 16 sections. The major issues in the regulation relate to the different funding categories (WAC 173-95-040) and the different funding levels for each category (WAC 173-95-100 - 173-95-150). The regulation includes: WAC 173-95-010 Purpose and scope; WAC 173-95-020 Definitions; WAC

173-95-030 Provision of guidelines; WAC 173-95-040 Limitations on the use of funds, states in accordance with the act, that from July 1, 1987, until June 30, 1995, the funds shall be distributed according to the following: Not more than fifty percent for water pollution control facilities which discharge directly into marine waters; not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer; not more than ten percent for water pollution control activities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia rivers; not more than ten percent for activities which control nonpoint source water pollution; and ten percent and such sums as may be remaining from the categories specified in subsections (1) through (4) of this section for water pollution control activities or facilities as determined by the department; WAC 173-95-050 Compliance with applicable laws, regulations and other requirements; including, but not limited to, applications from public bodies must not be inconsistent with pertinent adopted water quality plans; the department will not increase a grant or loan dollar value of the contract. The maximum dollar value will be stated in the contract and may include specified adjustments to the initial contract dollar amount; and a public body will be prohibited from receiving any future financial assistance from the state of Washington as a result of a loan default; WAC 173-95-060 Indemnification; WAC 173-95-070 Appropriation of funds by the legislature; WAC 173-95-080 General provisions, including, but not limited to, a public body may receive a grant and/or loan for water pollution control facilities furnished by a service provider through an agreement according to chapter 70.150 RCW; the department may enter into grant contracts with public bodies which provide extended payments for eligible costs under chapter 516, Laws of 1987 (HB 1205); the state Conservation Commission receives a one and one-half percent of the moneys from the account by legislative appropriation. The department will only accept applications from the Conservation Commission and conservation districts for water pollution control facilities, lake restoration projects and water pollution control activities related to development of and/or implementation of watershed management plans required by the Puget Sound water quality management plan but only when the district acts as a lead agency for a county; and the department will allow prior authorization, in writing, under very unusual circumstances when it may be necessary to commence work on a project in advance of a signed and executed contract; WAC 173-95-090 Funding processes, the funding process will be based on an annual cycle with approximately one-half of the biennial appropriation available for grants and/or loans less prior obligations such as extended grant payments contracts. A biennial cycle may be utilized if the director determines it is in the best interest of the program. The department may use an interim application and funding cycle during fiscal years 1989 and 1990 in order to expedite the award of these moneys. Beginning in fiscal

year 1991 the application period will be initiated in the third quarter of the fiscal year; WAC 173-95-100 Marine water facilities funding category, the category will provide fifty percent base grants for the planning, design and construction of facilities discharging directly to marine waters. If a federally funded loan is offered from Ecology, the grant/loan combination will approximate the existing federal funding percentage (i.e. 55%). Additional assistance will be available if a public body meets the financial hardship criteria in WAC 173-95-150; WAC 173-95-110 Ground water activities and facilities funding category, at least two-thirds of the funds in this category shall be used for the protection of the Spokane-Rathdrum Prairie Aquifer. The remaining moneys will be used for all state-wide ground water activities and facilities. Fifty percent grants will be available plus additional assistance if the public body meets the financial hardship criteria in WAC 173-95-150; WAC 173-95-120 Freshwater lakes and rivers activities and facilities funding category, lake restoration types of projects and other freshwater activities will receive seventy-five percent grants and will not be eligible for additional assistance under the financial hardship criteria in WAC 173-95-150. Freshwater facilities will receive fifty percent grants plus additional assistance if the public body meets the financial hardship criteria in WAC 173-95-150. If a federally funded loan is offered from Ecology, the grant/loan combination will be structured similar to that specified in the marine water facilities funding category. Both the lake restoration types of project subcategory and the other freshwater subcategory will each receive a minimum of forty percent and a maximum of sixty percent of the funds available in the freshwater lakes and rivers activities funding category; WAC 173-95-130 Nonpoint activities and facilities funding category, public bodies will receive seventy-five percent grants for nonrate based type of projects and fifty percent grants for rate based projects. Only fifty percent grants will be eligible for financial hardship assistance specified in WAC 173-95-150; WAC 173-95-140 Discretionary activities and facilities funding category, this category has been divided into three subcategories (emergency, supplemental and basic). Up to twenty-five percent of the funds may be reserved for funding emergency situations. The funding for emergencies can be grants and/or loans for up to one hundred percent of the project cost. The supplemental funding subcategory will be allocated at least twenty percent of the discretionary fund category. The funding levels will be in accordance with the other major funding categories. The basic discretionary funding subcategory allows public bodies to receive assistance for other types of water quality related activities and facilities. The funding levels can be grants and/or loans for up to one hundred percent of the project cost based on unique situations except for projects that could be eligible in another major funding category; WAC 173-95-150 Financial hardship eligibility and remedies, for rate based facilities, if the project will result in user charges in excess of one and one-half percent of the median household income, the following assistance will be offered; (a) 15 percent supplemental grant to bring the total grant to 65 percent; or (b) low interest loan to

reduce the user rate below the 1.5 percent financial hardship level; or (c) in the event neither (a) or (b) eliminate the financial hardship condition, a custom structured grant/loan combination to reduce the user rate below the one and one-half percent level; for nonrate based activities and facilities, hardship will be determined on a case by case basis using such criteria as unemployment trends, income levels, debt limitations, ability to repay debt incurred, etc. If hardship is determined, then a seventy-five percent grant will be offered; and WAC 173-95-160 Applicability of centennial clean water regulation and funds.

Reasons Supporting Proposed Action: Clarification of goals and objectives for implementing the enabling legislation.

Agency Personnel Responsible for Drafting: John Stetson, Mailstop PV-11, Olympia, WA 98504, (206) 459-6096; **Implementation:** Financial assistance program staff; and **Enforcement:** Not applicable.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Not applicable.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: Not applicable.

Small Business Economic Impact Statement: Not applicable.

Chapter 173-95 WAC

USES AND LIMITATIONS OF CENTENNIAL CLEAN WATER FUNDS

WAC

173-95-010	Purpose and scope.
173-95-020	Definitions.
173-95-030	Provision of guidelines.
173-95-040	Limitations on the use of funds.
173-95-050	Compliance with applicable laws, regulations and other requirements.
173-95-060	Indemnification.
173-95-070	Appropriation of funds by the legislature.
173-95-080	General provisions.
173-95-090	Funding processes.
173-95-100	Marine water facilities funding category.
173-95-110	Ground water activities and facilities funding category.
173-95-120	Freshwater lakes and rivers activities and facilities funding category.
173-95-130	Nonpoint activities and facilities funding category.
173-95-140	Discretionary activities and facilities funding category.
173-95-150	Financial hardship eligibility and remedies.
173-95-160	Applicability of centennial clean water regulation and funds.

NEW SECTION

WAC 173-95-010 **PURPOSE AND SCOPE.** The purpose and scope of this chapter is to set forth limitations on the allocation and uses of moneys administered by the department of ecology for the purposes of providing grants and loans for the planning, design, acquisition, construction, and improvement of water pollution control facilities and related activities in the achievement of state and federal water pollution control requirements for the protection of the state's waters pursuant to chapter 70.146 RCW. Furthermore, it is the purpose of this chapter to provide funds for water pollution control activities which prevent the degradation of or restore or improve the quality of the state's waters. In order to assist public bodies in meeting water quality requirements and, to derive the most benefit for the state in

protecting the health and safety of the people, it is necessary to establish criteria for the use of funds made available under chapter 70.146 RCW. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, (3) the process to be followed for distributing the funds, (4) the funding levels, and (5) other related issues.

NEW SECTION

WAC 173-95-020 **DEFINITIONS.** (1) "Account" means the water quality account in the state treasury.

(2) "Agreement" means any agreement to which a public body and a service provider are parties by which the service provider agrees to deliver service to such public body in connection with its design, financing, construction, operation, or maintenance of water pollution control facilities in accordance with chapter 70.150 RCW.

(3) "Cost-effective alternative" means that alternative with the lowest present worth or equivalent annual value that achieves the requirements of the facility and that recognizes the environmental and other nonmonetary considerations.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(6) "Eligible cost" for control of sanitary sewage and/or stormwater means the cost of that portion of the water pollution control facility that can be financed under this chapter and guidelines developed pursuant to this chapter excluding any portion of a facility's cost attributable to capacity that is in excess of that reasonably required to address one hundred ten percent of the applicant's needs for water pollution control existing at the time application is submitted for assistance under this chapter. "Eligible cost" for other water pollution control facilities and for water pollution control activities means the cost of that portion of the facility or activity that can be financed under the provisions of this chapter and guidelines developed pursuant to this chapter.

(7) "Engineering report" means a report evaluating engineering and other alternatives that meet the requirements set forth in chapter 173-240 WAC.

(8) "Environmental emergency" means a problem declared by the public body which poses a serious immediate threat to the environment or the health or safety of a community and for which the department concurs.

(9) "Extended grant payments" means cash disbursements made under a grant contract which do not follow the normal process of reimbursement at the time the eligible costs are incurred.

(10) "Facilities plan" means an engineering report which includes the additional elements required by the National Environmental Policy Act, other federal statutes and planning requirements for the federal wastewater construction grants and state revolving fund loan programs.

(11) "Federal grant" means a wastewater treatment construction grant for wastewater facilities and activities authorized by Title II of the Federal Water Pollution Control Act (as amended, 1987).

(12) "Final offer list" is the list of projects approved by the director which can receive funding from the account during the time period that the offer list is effective.

(13) "Freshwater" means any nonmarine surface water.

(14) "Funding category" means each of the five groups of facilities and/or activities specified in WAC 173-95-040 (2)(a) through (e).

(15) "Funding cutoff line" means the location on the project priority list and final offer list where the sum of requested financial assistance from the applicants above that line on the list is approximately equal to the amount of money being offered for that funding category. However, the priority point total for any of the applicants above the line must be greater than a minimum level that the department will set in the guidelines.

(16) "Lake restoration" means any action taken to prevent lake deterioration or return a lake system back to an unimpaired state or condition.

(17) "Lake restoration phase I" means any comprehensive lake diagnostic or restoration feasibility study which culminates in a restoration plan.

(18) "Lake restoration phase II" means the implementation of the phase I lake restoration plan.

(19) "Loan default" means failure to make loan repayment within sixty days after the date payment is due.

(20) "Marine water" means a body of water that is a territorial sea, or the waters of a contiguous zone, or "saline estuarine waters" which

are semiclosed coastal waters which have a free connection to the territorial sea, undergo net seaward exchange with ocean waters and have salinities comparable to those of Puget Sound or other major bays and inlets. Generally, saline estuarine waters are those waters near the mouth of estuaries and contain indigenous biota characteristic of a marine environment.

(21) "Nonpoint source water pollution" means pollution that enters any waters of the state from any dispersed water-based or land-use activities, including but not limited to, atmospheric deposition, surface water runoff from agricultural lands, urban areas, and forest lands, subsurface or underground sources, and discharges from boats or other marine vessels.

(22) "Project" means water pollution control facility(s) and/or water pollution control activity(s) for which a public body applies for and/or receives a grant or loan.

(23) "Project priority list" means the list of rated and ranked projects for which state financial assistance is requested.

(24) "Public body" means the state of Washington or any agency, county, city or town, conservation district, other political subdivision, municipal corporation, quasi-municipal corporation, and those Indian tribes now or hereafter recognized as such by the federal government.

(25) "Public health emergency" means a situation in which illness or exposure known to cause illness is occurring or is imminent.

(26) "Rate based" means the source of legally collected revenue including but not limited to user charges, assessments and fees, which could fund activities and facilities construction and operation and maintenance.

(27) "Service provider" means any privately-owned or publicly-owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation or maintenance of water pollution control facilities in accordance with chapter 70.150 RCW.

(28) "Severe public health hazard" means a situation in which the potential for illness exists, but illness is not occurring or imminent. For the purposes of this chapter there must be contamination of drinking water or contamination must be present on the surface of the ground in such quantities and locations to create a potential for public contact. The problem must generally involve a serviceable area including but not limited to a subdivision, town, or city. Also, the problem cannot be corrected through more efficient operation and maintenance of a wastewater disposal system(s).

(29) "Sole source aquifer" means the sole or principal source of public drinking water for an area designated by the administrator of the Environmental Protection Agency pursuant to Public Law 93-523, Sec. 1424(b).

(30) "State revolving fund (SRF) loan" means a loan from the state water pollution control revolving fund established by Section 212 (Title VI) of the 1987 amendments to the Federal Water Pollution Control Act and by chapter 284, Laws of 1988 (E2SSB 6235).

(31) "Water pollution" means such contamination, or other alteration of the physical, chemical, or biological properties of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(32) "Water pollution control activities" or "activity" or "activities" means actions taken by the public body for the following purposes:

- (a) To prevent or mitigate pollution of underground water;
- (b) To control nonpoint sources of water pollution;
- (c) To restore the water quality of freshwater lakes; or
- (d) To maintain or improve water quality through the use of water pollution control facilities or other means.

(33) "Water pollution control facility" or "facility" or "facilities" means any facilities or systems for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, stormwater, residential, commercial, industrial, and agricultural wastes, which are causing water quality degradation due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities include all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to such purpose. Water

pollution control facilities also include facilities, equipment, and collection systems as are necessary to protect federally designated sole source aquifers.

NEW SECTION

WAC 173-95-030 PROVISION OF GUIDELINES. The department will publish guidelines which establish procedures for applying and awarding grants and loans, and eligibility criteria for funding category. These will describe in greater detail the grant and/or loan application, review and award processes and other requirements of this program.

NEW SECTION

WAC 173-95-040 LIMITATIONS ON THE USE OF FUNDS.

(1) Funds in the account may be used to make grants or loans to public bodies. This includes grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities within the purpose of chapter 70.146 RCW.

(2) During the period from July 1, 1987, until June 30, 1995, the following limitations shall apply to the moneys appropriated directly to the department for use in the funding categories even though the distribution under this section shall not be required to be met in any single fiscal year:

(a) Not more than fifty percent for water pollution control facilities which discharge directly into marine waters;

(b) Not more than twenty percent for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer;

(c) Not more than ten percent for water pollution control activities and facilities that protect freshwater lakes and rivers including but not limited to Lake Chelan and the Yakima and Columbia Rivers;

(d) Not more than ten percent for activities and facilities which control nonpoint source water pollution; and

(e) Ten percent and such sums as may be remaining from the funding categories specified in (a) through (d) of this subsection for water pollution control activities or facilities as determined by the department.

(3) The funds cannot be used for activities or facilities or portions thereof that are primarily intended to control, transport, treat, dispose or otherwise relate to industrial wastewater. All costs associated with industrial pretreatment are not eligible for funding.

(4) The funds cannot be used for activities or facilities that are primarily related to hazardous substances as defined in RCW 70.105B.020(6).

(5) The funds cannot be used for activities or facilities to achieve a water pollution control objective when the sponsoring public body received previous federal or state grant(s) to achieve the same water pollution control objective and actually achieved that objective.

(6) The funds cannot be used for costs associated with consulting services with a "cost-plus-percentage-of-cost" type contract (e.g., multiplier which includes profit) or "percentage-of-construction-cost" contract.

NEW SECTION

WAC 173-95-050 COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS AND OTHER REQUIREMENTS. (1) A public body receiving a grant or loan shall comply fully with all applicable federal, state, and local laws, orders, regulations and permits. Furthermore, applications for funding from public bodies must not be inconsistent with pertinent adopted water quality plans including, but not limited to, Federal Clean Water Act section 208, 319 and 320 plans, Puget Sound water quality management plan, shoreline master programs, ground water management programs and stormwater plans. A public body shall secure the necessary permits required by authorities having jurisdiction over the project, provide assurance that all permits have been secured, and make copies available to the department if requested.

(2) A public body receiving a grant or loan shall fully comply with all applicable federal, state, and local laws and regulations related to discrimination, labor, and job safety. Further, the public body shall comply with the state minority and women owned businesses regulation.

(3) A public body receiving a grant or loan for facilities construction shall submit a declaration of construction of water pollution control facilities to the department within thirty days following acceptance of the project or completed portion.

(4) The department shall place in every grant or loan contract a maximum dollar value above which the department will not reimburse. The maximum dollar value will be stated in the contract and may include specified adjustments to the initial contract dollar amount. Once the contract is effective, the public body will be expected to fulfill the scope of work required in the contract and only be reimbursed up to the maximum dollar value specified. The department will not increase the grant or loan dollar value of the contract.

(5) Grant and loan recipients are required to maintain accounting records in accordance with "generally accepted government accounting standards." These standards are defined as, but not limited to, those contained in the most recent edition of the United States General Accounting Office (GAO) publication: "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" and the department's "Financial Guidelines for Grants Management," WDOE 80-6. For example, charges must be properly supported, related to eligible costs, and documented by appropriate records. Wherever this chapter and the implementing guidelines are more restrictive, this chapter and the guideline requirements shall control.

(6) In the event of loan default, the director may renegotiate loan contracts; however, if the public body fails to repay the loan according to the contract, the public body will be prohibited from receiving any future financial assistance from the state of Washington. The department will seek remedies through other state agencies or departments that provide any money to the public body. Accounting irregularities may result in an immediate stoppage of payment until irregularities are resolved. The director may require repayment of misused grant and loan funds.

(7) Appeals of contract decisions will be processed in accordance with the financial assistance program appeals procedure. Only written decisions by the department made during the effective contract period will be appealable. Appeals must be filed with the financial assistance program disputes decision coordinator within forty-five days from the date of the department's written decision from which relief is sought.

(8) Contracts will be audited by the department or at the department's discretion by another authorized auditor.

NEW SECTION

WAC 173-95-060 INDEMNIFICATION. (1) The department shall in no way be held responsible for payment of salaries, consultant's fees, and other overhead costs related to a grant or loan awarded to a public body.

(2) To the extent that the Constitution and laws of the state of Washington permit, the public body shall indemnify and hold the department harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of the public body arising out of a grant or loan contract except for such damage, claim, or liability resulting from the negligent act or omission of the department.

NEW SECTION

WAC 173-95-070 APPROPRIATION OF FUNDS BY THE LEGISLATURE. The department's obligation to make grant and loan payments is contingent upon the availability of funds through legislative appropriation, state allotment authorized by chapter 70.146 RCW, and WAC 173-95-080(2).

NEW SECTION

WAC 173-95-080 GENERAL PROVISIONS. (1) Agreements with service providers.

(a) Public bodies may enter into agreements with service providers for services in connection with water pollution control facilities as provided by chapter 70.150 RCW. The public body must assure that the service provider complies with WAC 173-95-050.

(b) A public body that enters into a service agreement under which a facility is owned wholly or partly by a service provider shall be eligible for grants or loans. The grants and/or loans shall be made to and benefit the public body not the service provider. The grants and/or loans shall be used by the public body for all or part of its ownership interest in the facility and/or to defray a part of the payments it makes to the service provider under a service agreement.

(c) The department may make periodic disbursements to a public body or may make a single lump sum disbursement. Disbursements of funds with respect to a facility owned or operated by a service provider shall be equivalent in value to disbursements that would otherwise be made if that same facility were owned or operated by a public body. Payments for water pollution control facilities made to public bodies entering into service agreements pursuant to RCW 70.150.060 shall not exceed amounts that would have been paid to that public body had it not entered into service agreements.

(2) Extended grant payments.

(a) The department may enter into grant contracts with public bodies which provide for extended grant payments for eligible cost of facilities under chapter 70.146 RCW and payments may be disbursed on an advanced or deferred basis in accordance with the grant contract between the department and the public body.

(b) Extended grant payments shall be in equal annual payments. The total amount shall not exceed on a net present value basis, fifty percent of the total eligible cost of the project incurred at the time of design and construction. After negotiation with the public body, the department may adjust the amount of the equal annual payments if it is in the public interest.

(c) Extended grant payments shall be for a period not to exceed twenty years.

(d) The department's total share of a project with extended grant payments shall not exceed fifty percent of the eligible costs received from available federal and state grant moneys.

(e) The department shall first use any moneys appropriated by the legislature from the account to satisfy the conditions of the extended grant payment contracts.

(3) Self certification. The department may authorize public bodies to certify compliance with selected program requirements. The public body must request such certification authority and document that it has the capability and the resources, that it is in the best interest of the state, and that the request is consistent with state and/or federal laws and regulations.

(4) State conservation commission and conservation districts.

(a) The state conservation commission receives directly from the legislature two and one-half percent of the moneys appropriated from the account. The commission shall distribute those moneys in accordance with their program objectives and with the statutory requirements. The department will coordinate as necessary with the state conservation commission to ensure that both programs are compatible with one another.

(b) The department will accept applications from the state conservation commission and from the conservation districts only for the following:

(i) Water pollution control facilities.

(ii) Water pollution control activities associated with the development and/or implementation of watershed management plans required by the Puget Sound water quality management plan but only when the conservation district acts as the lead agency in lieu of the county.

(iii) Lake restoration activities.

(c) The program requirements including but not limited to application requirements, priority rating criteria, and funding levels of the applicable funding category will apply.

(5) Ecology administration expenses. The department shall limit its expenses for administration of the program in conformance with the amount specified in RCW 70.146.030. These expenses shall include all direct and related indirect costs of developing, managing, and administering the contracts from the account that are awarded to public bodies. It shall not include direct expenses incurred to further the goals and objectives of chapter 70.146 RCW.

(6) Legislative reporting. The department shall report to the legislature no later than November 30 of each year on the use of the account moneys by the department. The report shall include, at a minimum, a list of the grant and loan recipients, date of grant or loan award, and the amount of money awarded to each recipient. Additional information will be furnished as appropriate.

(7) Prior authorization.

(a) The department recognizes that under very unusual circumstances, it may be advantageous to commence work on a project in advance of a signed and executed contract. If approved, the director will authorize the public body in writing to incur expenses which could be eligible for grant or loan moneys. Except for emergencies defined in WAC 173-95-140(1), prior authorization will be considered based upon the following conditions:

(i) The public body has an approved application for funding including a project scope of work, a detailed budget, and the project must also be on the fundable portion of a priority list; and

(ii) The scope, cost, effective date, and duration of the prior authorization is documented in writing from the department to the public body and is consistent with the public body's application for grant or loan moneys; and

(iii) The purpose and any additional conditions are documented in writing; and

(iv) The prior authorization is in the best interest of the state.

(b) The public body assumes all responsibility for costs incurred. There is no guarantee on behalf of the department that a grant or loan will be awarded to that public body. Any work performed by the public body which is not consistent with the conditions specified in the department's prior authorization letter(s) or which does not comply with the requirements set forth in the guidelines will be deemed ineligible for state participation under this chapter.

NEW SECTION

WAC 173-95-090 FUNDING PROCESSES. (1) Funding cycle – The director will establish grant and/or loan offer lists for each funding category. These lists shall be prepared on an annual basis unless after adequate public notice and comment the director determines that preparing lists on a biennial basis is in the best interest of the program. The amount of money available on an annual basis shall be approximately equal to one-half of the biennial appropriation less prior obligations such as extended grant payment contracts for grant or loan awards plus any moneys available from previous years.

(2) Application process – The department may use an interim application and funding cycle during fiscal years 1989 and 1990 in order to expedite the award of these moneys. Beginning in fiscal year 1991, the application period will be initiated during the third quarter (except for environmental emergencies, public health emergency and severe public health hazard as defined in WAC 173-95-020 (8), (25), and (28) which will be accepted at any time).

(3) Multifunding category projects – Applicants whose projects qualify in more than one funding category can apply and be rated in each funding category. If the applicant ranks high enough to be offered financial assistance in more than one category, the department will determine from which category an offer will be made. If the amount of money available from any one category is insufficient, the department may fund part of the project from one or more of the other categories in which they qualify.

(4) Priority rating list – The director shall establish a priority rating list for each funding category using criteria established by this chapter and department guidelines. This list will rank all applications received in priority order and propose for funding those applicants above the funding cut-off line. The director may establish an application review committee(s) as appropriate.

(5) Public review – The priority rating lists will be available for at least thirty days for public review and comment. A public hearing(s) may be conducted if the director determines there is significant public interest. Comments received during the public review period will be considered before the final offer lists are prepared.

(6) Final offer lists – The final offer lists will be approved by the director and made available on or about forty-five days after the close of the public review period. The final offer list will be effective until the next final offer list is made available. All offers are automatically cancelled after the effective period. If an applicant does not expect to be able to obtain a signed contract during the effective period, a new application should be submitted during the application period of the next funding cycle.

NEW SECTION

WAC 173-95-100 MARINE WATER FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, and funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the facility under the jurisdiction of the applicant is discharging directly into a marine water and is not in compliance with permit requirements, water quality standards, combined sewer overflow reduction plans, other regulatory requirements, or is otherwise adversely affecting marine waters.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) Funding for collection sewers may be provided only if the facilities to be constructed will eliminate a public health emergency or severe public health hazard.

(d) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, as appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(e) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided if public bodies have completed a facilities plan or engineering report approved by the department.

(f) Financial assistance for cost-effective facility construction projects may be provided if the facilities plan or engineering report and plans and specifications have been approved by the department.

(g) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(h) Major sewer rehabilitation and infiltration and inflow correction projects may receive funding only if the facilities plan or engineering report approved by the department document that such construction is the cost-effective alternative.

(2) Priority rating criteria.

(a) Water pollution control need for the project including, but not limited to, health impacts caused by existing circumstances, secondary treatment, reduction of combined sewer overflows, and stormwater management, including legally mandated requirements.

(b) Enforcement actions and compliance requirements relating to the discharge.

(c) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group, established by the legislature or a state agency to study water pollution control issues in the state.

(d) Water quality and beneficial use impacts caused by existing circumstances.

(e) Cost to residential ratepayers if no state assistance is provided.

(f) Problem prevention aspects of the proposed project.

(3) Funding levels.

(a) Fundable marine water facilities will receive a grant for fifty percent of eligible costs after federal grant and SRF loan funds available for facilities have been obligated. These facilities may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(b) For fundable marine water facilities, when federal grants and/or SRF loan money is available, the director may exercise prerogative to issue state grant and loan combinations. These combinations would generally be structured such that they would be approximately equivalent to fifty-five percent grants for eligible costs. Grant percentages, loan interest rates, and terms of loans may be established to ensure that federal funds are obligated in a timely manner according to federal requirements.

(c) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to the financial hardship criteria established in WAC 173-95-150.

(d) The public body may request that the grant be an extended grant payment contract in accordance with WAC 173-95-080(2). The department may require the public body to negotiate an extended grant payment contract for public bodies which request and/or have received in excess of forty million dollars in funding assistance on an accumulative basis from the account.

NEW SECTION

WAC 173-95-110 GROUND WATER ACTIVITIES AND FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project will correct and/or prevent existing or future ground water quality problems.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) Public bodies applying for funds for developing ground water management programs must be a lead agency or a cooperating agency for a designated ground water management area or a probable ground water management area as defined in chapter 173-100 WAC.

(d) Projects to implement ground water management programs prepared in accordance with chapter 173-100 WAC are eligible provided that the program has been certified by the department as part of a ground water management program.

(e) Other ground water planning activities are eligible for funding if they are an element of an adopted land use, sewer, or water plan which identifies existing or potential problems associated with ground water quality.

(f) Financial assistance for the planning phases of facilities construction projects may be provided. Public bodies must complete an engineering report or a facilities plan as appropriate. A facilities plan must be completed and approved by the department if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(g) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided only if public bodies have completed a facilities plan or engineering report approved by the department.

(h) Financial assistance for cost-effective facility construction projects may be provided only if the facilities plan or engineering report and plans and specifications have been approved by the department.

(i) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(j) Funding for collection sewers may be provided only if the facility to be constructed will eliminate a public health emergency or severe public health hazard or as specified in subsection (3)(a) of this section.

(2) Priority rating criteria.

(a) General criteria - Ground water projects shall be rated on the following criteria:

- (i) Public health impacts caused by existing circumstances.
- (ii) Water quality impacts caused by existing circumstances.
- (iii) Problem prevention aspects of the proposed project.
- (iv) Beneficial use impacts caused by existing circumstances.
- (v) Enforcement actions and compliance requirements relating to the proposed project.

(vi) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(vii) Local interest and commitment to the proposed project.

(b) Previously rated projects - Ground water management project areas designated and rated on the FY 88 general schedule who received partial funding under criteria established by WAC 173-100-060 may receive up to three hundred thousand dollars each, toward development of their ground water management programs. Such planning areas will be given higher priority during the fiscal year 1989 funding cycle. If other department funds become available for funding these programs before the projects are rated, higher priority consideration will not apply.

(3) Funding levels.

(a) At least two-thirds of the available ground water category funds shall be used to protect the Spokane-Rathdrum Prairie Aquifer.

(b) The remaining one-third can be used to fund all other projects outside the boundaries of the Spokane-Rathdrum Prairie Aquifer.

(c) Unless the demand for funds from the ground water activities and facilities funding category is less than funds available and excluding provisions for extended grant payments, no project may receive more than twenty-five percent of the legislative appropriation for ground water protection projects outside the boundaries of the Spokane-Rathdrum Prairie Aquifer during a funding cycle.

(d) Fundable ground water activities and facilities will receive a grant for fifty percent of eligible costs and may be eligible for funding under the financial hardship criteria as defined under WAC 173-95-150.

(e) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will be available according to the financial hardship criteria established in WAC 173-95-150.

NEW SECTION

WAC 173-95-120 FRESHWATER LAKES AND RIVERS ACTIVITIES AND FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, fund allocations, and funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project will eliminate adverse impacts to the water quality of a freshwater lake or river, the

facility is not in compliance with permit requirements, water quality standards, combined sewer overflow reduction plans, other regulatory requirements, or the project must demonstrate prevention of potential adverse water quality impacts to a freshwater lake or river.

(b) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(c) For lake restoration projects, public access to the lake must be provided. For lake restoration phase I projects, public access must consist of, but not be limited to, seasonal or year-round access. Lake restoration phase II projects must provide year-round public access in the form of a multipurpose public park facility.

(d) Funding for collection sewers may be provided only if the facility to be constructed will eliminate a public health emergency or severe public health hazard.

(e) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, as appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(f) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided only if public bodies have completed a facilities plan or engineering report approved by the department.

(g) Financial assistance for cost-effective facility construction projects may be provided only if the facilities plan or engineering report and plans and specifications have been approved by the department.

(h) Cost-effective analyses of alternatives during the planning phase must be conducted for facilities without consideration of the availability of state and federal funding.

(i) Major sewer rehabilitation and infiltration and inflow correction projects may receive funding only if the facilities plan or engineering report approved by the department document that such construction is the cost-effective alternative.

(2) Priority rating criteria.

(a) Water quality impacts caused by existing circumstances.

(b) Beneficial use impacts caused by existing circumstances.

(c) Public health impacts caused by existing circumstances.

(d) Problem prevention aspects of the proposed project.

(e) Local interest in and commitment to the proposed project.

(f) For lake restoration projects, the restoration potential of the proposed project.

(g) Enforcement actions and compliance requirements relating to the proposed project.

(h) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(3) Fund allocations.

(a) Lake restoration projects will be rated separately, from other freshwater projects in this funding category, and two separate priority rating lists will be established.

(b) Each list (lake restoration project priority list and other freshwater project priority list) will be guaranteed a minimum of forty percent of total category funds available in a funding cycle, and up to a maximum of sixty percent of the funds available according to readiness to proceed and priority points.

(c) If the demand for funds by either lake restoration projects or other freshwater projects is less than the minimum guaranteed in a funding cycle, funds may be made available to the other project type.

(4) Funding levels.

(a) Fundable lake restoration projects will receive a grant for seventy-five percent of the eligible cost of phase I and phase II activities and will not be eligible for further assistance under the financial hardship criteria.

(b) Fundable freshwater activities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(c) Fundable freshwater facilities will receive a grant for fifty percent of eligible costs after federal grant and SRF loan funds available for funding have been obligated. These facilities may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(d) For fundable freshwater facilities, when federal grants and/or SRF loan money is available, the director may exercise prerogative to issue state grant and loan combinations. These combinations would

generally be structured such that they would be approximately equivalent to fifty-five percent grants for eligible costs. Grant percentages, loan interest rates, and terms of loans may be established to ensure that federal funds are obligated in a timely manner according to federal requirements.

(e) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to financial hardship criteria established in WAC 173-95-150.

(f) Unless the demand for funds from the freshwater activities and facilities funding category is less than the funds available, and excluding provisions for extended grant payments, no project may receive more than thirty percent of the legislative appropriation from this funding category during a funding cycle.

NEW SECTION

WAC 173-95-130 NONPOINT ACTIVITIES AND FACILITIES FUNDING CATEGORY. General application requirements, priority rating criteria, funding levels.

(1) General application requirements.

(a) Public bodies must demonstrate that the project benefits the public within the local project area or the public at large.

(b) Public bodies must demonstrate that the project will eliminate adverse impacts to water quality of the receiving water, prevent potential adverse water quality impacts, study and diagnose water quality problems, or the project must educate the public about improving water quality.

(c) Financial assistance for the planning phase of facility construction projects may be provided. Public bodies must complete an engineering report or a facilities plan, if appropriate. Public bodies must complete facilities plans if projects are to be considered for a federal grant or state revolving fund (SRF) loan.

(d) Financial assistance for preparation of plans and specifications for cost-effective facilities may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report approved by the department.

(e) Financial assistance for facility construction projects may be provided. If appropriate, public bodies must have completed a facilities plan or engineering report and plans and specifications that have been approved by the department.

(f) Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(2) Priority rating criteria.

(a) Public health impacts caused by existing circumstances.

(b) Water quality and beneficial use impacts caused by existing circumstances.

(c) Problem prevention aspects of the proposed project.

(d) Recommendations of the Puget Sound water quality authority and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(e) Enforcement actions and compliance requirements relating to the proposed project.

(f) Establishment of a revenue source through local rates or other financial means to continue to achieve water quality objectives.

(g) Local interest in and commitment to the proposed project, and plans and programs to educate the public.

(h) Economic impacts to the public if no state assistance is provided.

(i) Consistency with water quality goals and objectives of the department.

(3) Funding levels.

(a) Fundable activities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(b) Fundable nonrate-based facilities will receive a grant for seventy-five percent of eligible costs and will not be eligible for further assistance under the financial hardship criteria.

(c) Fundable rate-based facilities will receive a grant for fifty percent of eligible costs and may be eligible for funding under the financial hardship criteria as defined in WAC 173-95-150.

(d) Loans may be issued to public bodies if they prefer such assistance and if sufficient funds are available. Loans will also be available according to the financial hardship criteria established in WAC 173-95-150.

(e) Unless the demand for funds from the nonpoint activities and facilities funding category is less than funds available and excluding

provisions for extended grant payments, no project may receive more than five percent of the legislative appropriation for this funding category during a funding cycle. However, the department may fund one project for a facility that exceeds the five percent maximum, but in no case can the grant exceed seven hundred fifty thousand dollars. The selection of the project funded in excess of the five percent limit will be based on priority points.

NEW SECTION

WAC 173-95-140 DISCRETIONARY ACTIVITIES AND FACILITIES FUNDING CATEGORY. (1) Emergency funding subcategory (environmental emergency, public health emergency, severe public health hazard) - General application requirements, priority rating criteria, fund allocations, and funding levels.

(a) General application requirements.

(i) Public bodies must provide the department appropriate documentation of the emergency situation.

(ii) Public bodies must identify the solution and the estimated cost required to solve the problem.

(iii) Public bodies must comply with limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080.

(iv) Public bodies must certify their inability to finance the project without state assistance.

(v) Public bodies must specify whether a grant and/or loan is requested.

(vi) The department may authorize a public body in writing to commence work on a project in advance of a signed and executed contract.

(b) Priority rating criteria. Each application will be evaluated independently from others and funds will be issued according to the nature and severity of the problem.

(c) Fund allocations. The emergency subcategory may use up to twenty-five percent of the discretionary funding category during a funding cycle for grants and/or loans for activities or facilities.

(d) Funding levels.

(i) Fundable emergency projects will receive grants and/or loans in a manner consistent with the other applicable funding categories to the maximum extent possible. However, the department may award grants and/or loans up to one hundred percent of the project cost based upon unique situations.

(ii) Fundable emergency projects which are caused by improper operation and maintenance of an existing facility by public bodies will only be eligible for a loan.

(2) Supplemental funding subcategory. The general application requirements, priority rating criteria, and funding levels will be in accordance with the other major funding categories contained in WAC 173-95-100 through 173-95-130 and other general provisions of this chapter. The funding allocation for this subcategory will be at least twenty percent of the discretionary funding category. The final offer list for each of the other funding categories will reflect the allocation of moneys under this supplemental funding subcategory.

(3) Basic discretionary funding subcategory. General application requirements, priority rating criteria, and funding levels.

(a) General application requirements. Public bodies must comply with the limitations, requirements, and general provisions on the use of funds contained in WAC 173-95-040, 173-95-050, and 173-95-080. Public bodies must demonstrate the inability to secure other sources of funding. In addition, the public bodies must meet two of the following requirements:

(i) Project is innovative and could be used as a demonstration project; or

(ii) Project would directly benefit water quality through a training and education process; or

(iii) Project addresses a water quality problem that has caused or is likely to cause a direct economic impact to the public; or

(iv) Project meets the legislative intent as determined by the department.

(b) Priority rating criteria. The priority of each project will be established according to criteria including, but not limited to; public health, water quality, beneficial use, problem prevention and corrective action not generally funded in other funding categories, enhancement of local and state agency water quality related programs, enforcement actions and compliance requirements, and state-wide significance of a project.

(c) Funding levels.

(i) Fundable basic discretionary projects will receive grants and/or loans in a manner consistent with other applicable funding categories

to the maximum extent possible. However, the department may award grants and/or loans up to one hundred percent of the project cost based on unique situations.

(ii) Unless the demand for funds from the basic discretionary subcategory is less than the funds available, and excluding provisions for extended grant payments, no project may receive more than ten percent of the legislative appropriation from this funding subcategory during a funding cycle.

NEW SECTION

WAC 173-95-150 FINANCIAL HARDSHIP ELIGIBILITY AND REMEDIES. (1) The primary responsibility for obtaining the local share will be that of the public body. Before requesting financial hardship assistance beyond the basic available financial assistance, the public body must document that all other sources of funding are unavailable, and the project would still cause a financial hardship.

(2) For rate-based facilities including, but not limited to, construction of municipal sewage treatment facilities or combined sewer overflow reduction projects, if the construction of the project will result in user charges in excess of one and one-half percent of the median household income, public bodies will be offered the following alternatives:

(a) A supplemental grant which would bring the total grant to sixty-five percent of eligible costs; or

(b) A fifty percent grant and a low interest loan for the remainder of the project with an interest rate structured to produce a user charge below the hardship level; or

(c) In the event that hardship criteria still apply after assistance is considered in the form of the supplemental grant or the low interest loan, then additional assistance, such as additional grants and loans, may be available to attempt to reduce the financial burden to below the financial hardship level.

(3) For nonrate-based activities and facilities, financial hardship must be documented by the public body based on, but not limited to, such factors as unemployment trends, income levels, debt limitations, ability to repay debt incurred, and the overall financial conditions, for the area specifically affected. For nonrate-based activities and facilities that meet the financial hardship criteria, a seventy-five percent grant will be provided in accordance with the provisions of the applicable funding category.

NEW SECTION

WAC 173-95-160 APPLICABILITY OF CENTENNIAL CLEAN WATER REGULATION AND FUNDS. This chapter is not applicable to the allocation and uses of moneys administered by the department pursuant to chapter 284, Laws of 1988 (E2SSB 6235), and pursuant to special uses mandated by legislative appropriation. The director may utilize moneys appropriated from the account to provide the state match for the state revolving fund (SRF) loan program consistent with the requirements of chapter 70.146 RCW.

WSR 88-09-077

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning general rules on the use, distribution and application of pesticides, chapter 16-228 WAC;

that the agency will at 9:00 a.m., Tuesday, June 14, 1988, in the Pasco PUD, 1411 West Clarke, Pasco, WA 99301, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 1, 1988.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Dated: April 20, 1988

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-228 WAC.

Description of Purpose: To regulate the use, distribution and application of pesticides.

Statutory Authority: Chapters 15.58 and 17.21 RCW.

Summary of Rules: Proposed changes include restrictions to prevent ground water contamination, modifications in licensing requirements for some commercial applicators, new rules providing for the implementation of a new pesticide waste disposal program, restrictions on the use of tributyltin paint additives used on structures, restoration of examination fees for certain licensing exams, and some general housekeeping changes.

Reasons for Supporting Proposed Rules: Some of the proposed amendments are a result of legislative changes, and a request from industry to change certain licensing requirements for commercial applicators.

Personnel Responsible for Drafting, Implementing and Enforcing Rules: Glenn E. Smerdon, Ag Chemical Branch Supervisor, 406 General Administration Building, AX-41, Olympia, WA, phone (206) 753-5064.

Persons Proposing Rules: Washington State Department of Agriculture.

Comments: None.

Rules Necessary to Comply with Federal Law: No.
Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1869, filed 8/16/85)

WAC 16-228-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture of the state of Washington, or a duly authorized representative.

(3) "Agricultural commodity" means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by humans or animals.

(4) "Authorized agent" is any person who is authorized to act on behalf of a certified applicator for the purpose of purchasing pesticides.

(5) "Bait box" for rodenticides is a box constructed of durable metal, wood, plastic, or other treated synthetic material. It shall be designed to hold rodent bait securely, allow rodents to enter and leave, and prevent unauthorized persons and domestic animals from gaining access to the bait. The cover shall be provided with a lock that can be unlocked only by a combination, key, special tool, or forced entry. Fragile materials are unacceptable.

(6) "Bait station" may be any location where baits are placed to allow target pests to gain access to the bait.

(7) "Bulk fertilizer" is a commercial fertilizer, agricultural mineral, or lime, distributed in nonpackaged form.

(8) "Certified applicator" means any individual who is certified by the director to use or supervise the use of any pesticide which is classified by the Environmental Protection Agency (EPA) as a restricted use pesticide or by the state as restricted to use by certified applicators including, but not limited to licensed commercial applicators, licensed commercial operators, licensed public operators, licensed private-commercial applicators, licensed demonstration and research applicators, and certified private applicators.

(9) "Controlled disposal site" means any place where solid or liquid waste is disposed: PROVIDED, That the area has been designated as a disposal site for waste materials by the appropriate jurisdictional

agency: PROVIDED FURTHER, That the site is fenced, barricaded or otherwise enclosed or attended by some person in charge to facilitate control-access of domestic animals, pets, and unauthorized persons.

(10) "Dry pesticide" is any granular, pelleted, dust or wettable powder pesticide.

(11) "EPA" means the United States Environmental Protection Agency.

(12) "EPA restricted use pesticide" means any pesticide with restricted uses as classified for restricted use by the administrator, EPA.

(13) "Fertilizer" as included in this order means any liquid or dry mixed fertilizer, fertilizer material, specialty fertilizer, agricultural mineral, or lime.

(14) "FIFRA" means the Federal Insecticide, Fungicide and Rodenticide Act as amended.

(15) "Floor level" is considered to be the floor upon which people normally walk—not shelves, ledges, overhead beams, tops of stacked materials, surfaces of equipment, or similar places.

(16) "Food service establishment" means any fixed or mobile restaurant; coffee shop; cafeteria; short order cafe; luncheonette; grill; tearoom; sandwich shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; industrial-feeding establishment; retail grocery; retail food market; retail meat market; retail bakery; private, public, or nonprofit organization routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(17) "Fumigant" means any substance or combination of substances that produce gas, fumes, vapors, or smoke, and is used to kill pests in some kind of enclosure.

(18) "Highly toxic" for the purpose of this chapter, are those pesticides determined to be in the Toxicity Category I and are labeled on the front panel with the signal word "danger." In addition if the product was assigned to Toxicity Category I on the basis of its oral, inhalation or dermal toxicity (as distinct from skin and eye local effects) the word "poison" shall appear in red on a background of distinctly contrasting color and the skull and crossbones shall appear in immediate proximity to the word "poison."

(19) "Private applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators by the director for the purposes of producing any agricultural commodity on land owned or rented by the private applicator or the private applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

(20) "Private-commercial applicator" means a certified applicator who uses or supervises the use of (a) any EPA restricted use pesticide; or (b) any state restricted use pesticide restricted to use only by certified applicators for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

(21) "State restricted use pesticide" means any pesticide determined to be a restricted use pesticide by the director under the authority of chapters 17.21 and 15.58 RCW that are restricted to use only by certified applicators.

(22) "Unreasonable adverse effects on the environment" means any unreasonable risk to humans or the environment taking into account the economic, social and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

(23) "Waste pesticide" is any pesticide formulation which cannot be used according to label directions in Washington state because of cancellation or suspension of its federal or state registration, or deterioration of the product or its label, and any pesticide formulation whose active ingredients are not clearly identifiable because of label deterioration or because the pesticide is not stored in its original container.

NEW SECTION

WAC 16-228-157 WASTE PESTICIDE DISPOSAL. Under authority of RCW 70.105B.150 and 70.105B.180, the department may establish a waste disposal program for farmers, or other parties regulated under chapter 17.21 RCW.

(1) Upon review and determination that a pesticide is no longer useable, the department may declare a pesticide to be a "waste pesticide."

(2) The department may take possession of a waste pesticide with the owner's written consent for the purpose of disposal.

(3) For the purpose of waste pesticide disposal, the department may:

(a) Become identified as a hazardous waste generator;

(b) Enter into contracts or cooperative agreements to carry out portions of or all of the waste pesticide disposal program. The department may also enter into cooperative agreements to carry out portions of or all of the development of education programs relating to waste pesticide disposal and programs for dissemination of information concerning the department's disposal program.

(4) The department may accept pesticides whose active ingredients are not clearly identifiable for disposal. These pesticides may be analyzed by either the department or a private laboratory. If upon analysis the material is not a pesticide, not identified or not acceptable for disposal, it shall be returned to the owner and/or not accepted for disposal.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-160 RESTRICTION ON DISTRIBUTION, TRANSPORTATION, STORAGE AND DISPOSAL. (1) No person shall handle, transport, store, display, apply, dispose of or distribute pesticides in such a manner as to endanger humans and their environment or to endanger food, feed, or any other product that may be transported, stored, displayed, or distributed with such pesticides. Toxicities of pesticides shall be considered in distribution, storage, handling, and merchandising practices.

(2) Highly toxic pesticides shall not be transported in the same compartment of the vehicle or other equipment together with clothes, food, feed, or any other material intended for consumption by humans or animals. Any vehicle or other equipment shall be inspected by the owner or authorized agent for contamination before reuse. In instances where leakage or spillage has occurred, the shipper of the pesticides shall be immediately notified for instructions concerning the best method to be employed for the removal of the contamination. Vehicles or other equipment which have been contaminated (~~must~~) shall not be returned to service until the contamination has been removed.

(3) Pesticide containers shall be secured during transit by use of side or end racks, bracing, chocks, tiedowns, or other means to prevent their sliding, falling, tipping, rolling, or falling off the vehicle with normal vehicle acceleration, deceleration, or change in direction.

(4) Valves shall be tightly closed and manhole covers shall be secured on cargo or portable tanks used for transporting pesticides, whether tanks are full or empty.

(5) Portable tanks shall be secured to prevent their sliding, falling, tipping, or rolling with normal vehicle acceleration, deceleration, or change in direction. Ends, sidewalls, or doors of van bodies shall not be relied upon for securement.

(6) Pesticides shall not be delivered to a pesticide consignee unless the consignee or authorized agent is present to accept delivery of the pesticides and signs a delivery slip and/or the pesticides are secured in a proper storage.

(7) Pesticides shall not be stored and/or displayed over or adjacent to meat or vegetable cases, other human foods, animal feeds, or drugs, or in any manner that may result in contamination of food, feed, or clothing. Pesticides intended for sale or distribution shall only be stored and displayed within an enclosed area of a building or fence and shall not be displayed on sidewalks.

(8) Pesticide dealers shall not sell, offer for sale, or hold for sale highly toxic pesticides in the same department where food for human consumption is displayed or sold. The use of the same "checkstand" or food packaging area is prohibited for the distribution of highly toxic pesticides.

(9) All pesticide (~~accidents must~~) incidents involving negative impacts on human health shall be reported to the Washington state department of social and health services.

(10) Pesticides in leaking, broken, corroded, or otherwise damaged containers shall not be displayed, offered for sale, or transported and shall be handled or disposed of in a manner that would not contaminate the environment or cause injury to humans and/or animals. Pesticides with obscured or damaged labels shall not be displayed or offered for sale.

(11) No person shall distribute or sell any pesticide unless it is (~~in~~) in the registrant's or the manufacturer's unbroken, immediate container and there is affixed to the container its registered pesticide label.

(12) The distribution and use of DDT and DDD shall be prohibited in this state except for uses allowed by the Environmental Protection

Agency or the Center for Disease Control of the United States Department of Health and Human Services.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-165 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Monocrotophos (Azodrin)
- (b) Dicrotophos (Bidrin)
- (c) DDD DDT
- (d) Disulfoton (DiSystem) - Liquid
- (e) Endrin
- (f) Parathion and Methyl Parathion
- (g) Mevinphos (Phosdrin)
- (h) Sodium Arsenite
- (i) Demeton (Systox)
- (j) Aldicarb (Temik)
- (k) TEPP
- (l) Phorate (Thimet) - Liquid

(m) 2,4-D - all dry formulations and all liquid formulations distributed in packages of one gallon and larger to be used in counties located east of the crest of the Cascade Mountains (~~and all dry formulations except those labeled and intended for home and garden use only~~); PROVIDED, That the following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use. Pesticide dealers shall be required to make available to the purchaser a copy of the ((regulations)) rules covering the use of 2,4-D in the area in which the material will be applied.

(n) Zinophos

(o) All pesticide formulations labeled for application onto or into water to control pests in or on water, except those labeled only for use in:

- (i) Swimming pools;
- (ii) Wholly impounded ornamental pools and fountains;
- (iii) Aquariums;
- (iv) Closed plumbing and sewage systems;
- (v) Enclosed food processing systems;
- (vi) Air conditioners and humidifiers;
- (vii) Cooling towers; and
- (viii) Aquatic environments in states other than Washington: PROVIDED, That for purposes of this subsection, sales of pesticides bearing combined labeling for uses into or onto water and for other uses may be made by licensed pesticide dealers to noncertified applicators, if the dealer indicates on the sales slip or invoice that the purchaser of the pesticide agrees that it is not to be applied into or onto water. If requested by the department, dealers ((must)) shall furnish records on the sales of pesticides labeled for application into or onto water, whether sold for that use or not. Records ((must)) shall include the name and address of the purchaser, the complete product name and/or EPA registration number of the pesticide and the amount purchased.

(2) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in WAC 16-228-165(1) by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(3) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of the certified applicator
- (b) Applicator or operator certificate or license number
- (c) Name of authorized agent (if applicable)
- (d) Date of purchase
- (e) Brand and specific pesticide name and/or EPA registration number

(f) Amount sold

~~((g) Crop or site to which pesticide will be applied))~~

(4) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-185 RESTRICTIONS APPLYING TO ANY PERSON HOLDING, HANDLING, USING, OR DISPOSING OF PESTICIDES AND THEIR CONTAINERS. (1) Any person handling, applying, or disposing of pesticides or pesticide containers shall do so in such a manner to minimize hazard to commercially important pollinating insect species. Due care ((must)) shall be taken to regulate the timing and technique of pesticide applications to or around blossoming plants.

(2) No person shall transport, handle, store, load, apply, or dispose of any pesticide, pesticide container or apparatus in such a manner as to pollute water supplies or waterways, or cause damage or injury to land, including humans, desirable plants and animals, or wildlife: PROVIDED, That a pesticide labeled for aquatic use and used as directed shall not be considered a violation of this subsection: PROVIDED FURTHER, That disposing of pesticides at disposal sites approved by the appropriate agency complies with the requirements of this subsection. Toxicity, volatility, and mobility of pesticides shall be considered in complying with this subsection.

(3) No person shall pollute streams, lakes, and other ((public)) water supplies in ((their)) pesticide loading ((and)), mixing ((operation)), and application. ((This includes using devices or procedures to prevent back-siphoning.)) Adequate, functioning devices and procedures to prevent backsiphoning shall be used.

(4) None of the following pesticides shall be applied by aircraft or airblast sprayers immediately adjacent to occupied schools in session, hospitals, nursing homes or other similar establishments under conditions that may result in contamination of these establishments or their premises:

- (a) Monocrotophos (Azodrin)
- (b) Demeton (Systox)
- (c) Disulfoton (DiSystem)-Liquid
- (d) Aldicarb (Temik)
- (e) Endrin
- (f) Tepp
- (g) Parathion
- (h) Phorate (Thimet)-Liquid
- (i) Mevinphos (Phosdrin)
- (j) Zinophos

(5) No person shall apply pesticides if weather conditions are such that physical drift or volatilization may cause damage to adjacent land, including humans, desirable plants or animals.

(6) Requirements for unattended pesticides and their containers:

(a) Good generally accepted housekeeping practices ((must)) shall be maintained for all pesticides and their containers ((which are covered under chapter 15-58 RCW)).

(b) The provisions of ((subsections (d) and (e))) (d) and (e) of this subsection and subsection (7) of this section shall not apply to empty pesticide containers when adequately decontaminated (e.g., three successive rinsings); shall not apply to categories 2, 3, and 4 pesticide formulations labeled for home and garden use only (~~and shall not apply to drums of petroleum oils, lime sulfur, and ferrous sulfate~~).

(c) For the purposes of ((subsections (d) and (e))) (d) and (e) of this subsection and subsection (7) of this section, pesticides and their containers at the loading area shall not be considered unattended during the spraying operation if the operator maintains either visual control or repeatedly returns at closely spaced intervals.

(d) Category 1 - highly toxic pesticides labeled with the signal word "danger" and their containers shall be stored in one of the following enclosures which, when unattended, shall be so constructed and locked (except (v) below) to prevent children, unauthorized persons, livestock, or other animals from gaining entry. ((Appropriate warning signs shall be posted on these enclosures or containers. The warning signs shall carry the skull and crossbones symbol and the wording "Danger - Poison (or pesticide or chemical) storage area - Keep out" in letters large enough to be legible at a distance of thirty feet. The signs shall be posted to be visible from any direction.))

(i) Closed vehicle.

(ii) Closed trailer.

(iii) Building or room or fenced area with a fence at least six feet high.

- (iv) Foot locker or other container which can be locked.
- (v) Unattended trucks or trailers (~~((must))~~) which have solid side-racks and secured tailgate at least six feet above ground, ramp or platform level.
- (vi) Bulk storage containers fifty gallons and larger with tight screw-type bungs and/or secured or locked valves.
- (e) Category 2 — pesticides labeled with the signal word "warning" and categories 3 and 4 — pesticides labeled with the signal word "caution" and their containers shall be stored in secured storage out of the reach of children in one of the enclosures listed in (~~((subsection))~~)
- (d) of this subsection: PROVIDED, That metal containers, twenty-eight gallons and larger, with tight screw-type bungs(;) and/or secured or locked valves and sealed five gallon containers (requiring tool to unseal) shall be considered secured storage ((for pesticides covered in subsection (e))).

(7) Requirements for posting of storage for categories 1 and 2 pesticides:

(a) Warning signs shall be posted on enclosures specified in subsection (6)(d) of this section, when such enclosures are unattended and hold category 1 and/or 2 pesticides. The warning signs shall show the skull and crossbones symbol and the words: "Danger/Poison (or Pesticide or Chemical) Storage Area/Keep Out" in letters large enough to be legible at a distance of thirty feet.

(b) Warning signs shall be posted at each entrance or exit from the storage area and on each exterior wall, so that a sign is visible from any direction.

(c) If the pesticide storage area is contained in a larger, multipurpose structure, warning signs shall be posted at the main entrance to the larger structure and on all exterior walls of the larger structure within thirty feet of the pesticide storage area. In addition, requirements of (b) of this subsection shall be satisfied.

(8) No person shall disperse a pesticide from any aircraft while in flight except over the target field and at the customary application height for that crop: PROVIDED, That emergency dumping shall not be considered a violation of this section.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-190 APPLICATOR REQUIREMENTS. (1) Commercial applicators and public operators when applying any pesticide, and private commercial applicators and demonstration and research applicators when applying pesticides restricted to use by certified applicators only, shall keep records which shall include the following:

- (a) The name of the person for whom the pesticide was applied.
- (b) The address or location of the land where the pesticide was applied.
- (c) The year, month, day and time the pesticide was applied.
- (d) The trade name and/or common name of the pesticide which was applied and/or EPA registration number for that product.
- (e) The direction and estimated velocity of the wind and the temperature at the time the pesticide was applied: PROVIDED, That this subsection does not apply to applications of baits in bait stations and pesticide applications within structures.
- (f) The amount, or amount and concentration (pounds or gallons per acre and percentage of active ingredient and/or concentration per 100 gallons) of the pesticide used.
- ~~((a))~~ For PCO classification, the amount and concentration of the pesticide(s) applied which may be recorded to the nearest ounce of active ingredient or to the nearest gallon of liquid spray; fumigation records shall include the pounds of gas released per one thousand cubic feet of space, the temperature, and the duration of the exposure period.
- (g) The pests to be controlled (for PCO classification only).
- (h) Specific crop or site to which pesticide was applied.
- (i) Apparatus license plate number.
- (j) Applicator's name and address and the name of the individual making the application.
- (k) Acreage or area treated: PROVIDED, That this subsection does not apply to application of baits in bait stations.

(2) Application records shall be completed and available to the department the same day the pesticides were applied.

(3) Application records shall be kept for a period of three years from the date of the application of the pesticide to which such records refer. The director shall, upon request in writing, be furnished with a copy of such records forthwith by the licensee.

(4) Upon written request, the applicator shall provide the customer with a record of each application of pesticides to his/her land, for the

current season, which shall contain the information listed in WAC 16-228-190(1).

(5) All apparatus shall be kept in good repair and only that apparatus capable of performing all functions necessary to ensure proper and thorough application of pesticides shall be used. Apparatus shall be cleaned so that no residue remains which may cause injury to land, including humans, desirable plants and animals, from subsequent applications.

(6) On demand of the director, the applicator shall make immediately available for inspection the pesticides being applied and the apparatus used for the application: PROVIDED, That this inspection is made at the site of application of where the apparatus is located.

(7) The applicator shall make available necessary safety equipment in proper working order and advise (~~((the employee(s)))~~) employees on its use to meet the safety requirements of the pesticide label.

(8) Maintain a uniform mixture at all times in operating apparatus when applying pesticides.

(9) All containers used for prepared mixtures, other than those in an apparatus, shall have a label identifying the contents as a pesticide, the active ingredient, and appropriate cautions.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-210 FINANCIAL RESPONSIBILITY INSURANCE CERTIFICATE (FRIC). (1) A commercial pesticide applicator's license shall not be issued until a properly executed financial responsibility insurance certificate is filed with the department which shall certify: (Forms to be supplied by the department).

- (a) Name of insured (identical to name on application form)
- (b) Address of insured
- (c) Policy number
- (d) Plane number(s) (if applicable)
- (e) Effective period
- (f) Amount of insurance. Minimum requirements are:
- (i) Public liability (personal injury) fifty thousand dollars; and property damage fifty thousand dollars; or
- (ii) Alternately providing both public liability (personal injury), and property damage liability coverage within the same limit, providing such policy is issued in an amount of not less than one hundred thousand dollars.
- (iii) Amount of deductible (if applicable): Maximum deductible, five thousand for all applicators.
- (g) List of any pesticides or group of pesticides not covered by the policy.
- (h) Acknowledgement of (~~((provision(s)))~~) provisions for ten days' prior written notice of cancellation or reduction of the insurance coverage.

AMENDATORY SECTION (Amending Order 1470, filed 5/14/76)

WAC 16-228-215 APPLICATION FEE AND FAA CERTIFICATE. (1) An applicant shall complete the application form for (~~((his))~~) a pesticide license and pay the required license application fee prior to being given pesticide examinations, unless prior arrangements have been made.

(2) Applicants for an aerial applicators license shall supply a current copy of their FAA operating certificate to the director prior to issuance of their license.

(3) New applicants for a commercial pesticide applicator license in the pest control operator general categories or pest control operator structural categories shall supply evidence of a minimum two years experience in this category of work, prior to issuance of a license.

AMENDATORY SECTION (Amending Order 1817, filed 4/10/84)

WAC 16-228-220 EXAMINATION REQUIREMENTS. (1) A candidate for a commercial pesticide applicator license in the pest control operator general categories or pest control operator structural categories shall be assessed a one hundred dollar examination fee. The fee shall be paid each time the examination is taken.

(2) An examination fee of five dollars shall be paid prior to administration of any pesticide license examination at other than a regularly scheduled examination session. Candidates for public pesticide operator/public pest control consultant, private pesticide applicator, and commercial pesticide applicator in the pest control operator general categories or pest control operator structural categories are exempt from payment of the five-dollar fee.

(3) Any individual who fails any pesticide licensing examination twice shall be required to wait at least fourteen days before retaking that examination a third time. Subsequent testing shall be at the director's discretion.

NEW SECTION

WAC 16-228-222 PEST CONTROL OPERATOR APPLICATOR EXAMINATION. (1) No person shall be granted a commercial pesticide applicator license in the pest control operator general categories or pest control operator structural categories for 1990 or subsequent years, unless that person passes appropriate written applicator examinations administered after June 1, 1988. Out-of-state firms licensed through reciprocal agreements with other states may be exempted from this requirement.

(2) Nothing in this section shall waive any requirements for pesticide licensees to become recertified through training or reexamination.

NEW SECTION

WAC 16-228-227 TRIBUTYLIN. (1) The distribution for use in Washington state of paint, stain, paint additives, or similar products containing any chemical form of tributyltin for use in interiors of inhabited structures (i.e., residences, office buildings, institutions, recreational vehicles, and retail stores) shall be prohibited: **PROVIDED**, That this section shall not apply to specialty products, such as tile grout additives or cooling tower biocides.

(2) No tributyltin-containing paint, stain, paint additives, or similar products as specified in subsection (1) of this section may be registered for distribution unless its label clearly indicates that it shall not be used on interior surfaces of inhabited structures or that it shall be used on exterior surfaces only.

NEW SECTION

WAC 16-228-228 RESTRICTIONS ON THE USE OF SOIL APPLIED PESTICIDES. (1) Pesticides containing the following active ingredients labeled for soil application are hereby declared to be "state restricted use pesticides." State restricted use pesticides shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives, and shall be used or applied only by a certified applicator or persons under direct supervision of a certified applicator (refer to definition of "direct supervision"):

- (a) Methyl bromide
- (b) Chloropicrin
- (c) Dichloropropene
- (d) Dichloropropane
- (e) Metam-sodium
- (f) Magnesium phosphide
- (g) Methyl isothiocyanate
- (h) Aldicarb
- (i) Carbofuran
- (j) Oxamyl
- (k) Picloram

(2) Pesticides labeled for use in potting soils or on lawns are exempt from these requirements when sold in quantities adequate to treat one-half acre or less.

(3) Pesticide dealers shall keep records of sales of state restricted use pesticides as specified in subsection (1) of this section for a period of five years from the date of sale, and the records shall contain the following information:

- (a) Name and address of the certified applicator;
- (b) Brand name and percent or pounds per gallon active ingredient and/or EPA registration number;
- (c) Number of pounds or gallons of the pesticide distributed;
- (d) Date of sale; and
- (e) Certified applicator number.

(4) Certified applicators shall keep records of soil applications of state restricted use pesticides as specified in subsection (1) of this section for a period of five years from the date of application, and the records shall contain the following information:

- (a) Name and address of the certified applicator;
- (b) Field location;
- (c) Number of acres;
- (d) Crop;
- (e) Date of application;
- (f) Number of pounds or gallons applied per acre;
- (g) Brand name;

(h) Percent or pounds per gallon active ingredient and/or EPA registration number; and

(i) All pesticide applicators except private applicators are also required to keep any additional information required by RCW 17.21.100.

(5) The records required by subsections (3) and (4) of this section shall be furnished forthwith to the director upon request: **PROVIDED**, That the director may require the submission of application records of any restricted use soil applied pesticide within prescribed areas within fifteen days of distribution or use.

NEW SECTION

WAC 16-228-232 CHEMIGATION. (1) After October 31, 1988, no pesticide may be applied through an irrigation system, unless its registered label contains statement(s) specifically permitting this means of application.

(2) Any person operating or shutting down a chemigation system shall be knowledgeable about the system, and shall be under the direct supervision of a certified applicator.

(3) Any irrigation system used for chemigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of pesticide introduction. Discharge of water into a reservoir tank prior to pesticide injection is acceptable: **PROVIDED**, That there is an air gap between the outlet end of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the inside diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the pesticide injection pipeline to prevent the flow of liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where pesticide distribution is affected; and

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(4) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (3) of this section: **PROVIDED**, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-228-003 PROMULGATION.

**WSR 88-09-078
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed April 20, 1988]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning voluntary prepaid health plans, amending WAC 388-86-009;

that the agency will at 10:00 a.m., Thursday, May 26, 1988, in the Office Building #2, Auditorium, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 27, 1988.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 26, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
Office of Issuances
Department of Social and Health Services
Mailstop OB-33H
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015. The meeting site is in a location which is barrier free.

Dated: April 20, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amend WAC 388-86-009.

Purpose: To provide for the enrollment of 30,000 AFDC recipients into managed health care systems by July 1, 1989.

Reason: Required by RCW 74.09.522.

Statutory Authority: RCW 74.08.090.

Summary: Provides for contracts between the department and prepaid healthcare providers. States the rights of the recipients that choose to enroll in a prepaid health plan.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

These rules are necessary as a result of a state law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2468, filed 2/19/87)

WAC 388-86-009 VOLUNTARY PREPAID HEALTH PLANS. (1) The department ~~((may))~~ shall enter into agreements with prepaid health plans ~~((including, but not limited to:~~

- ~~(a) Health maintenance organizations (HMOs);~~
- ~~(b) Preferred provider organizations (PPOs); and~~
- ~~(c) Health insuring organizations (HIOs)).~~

(2) ~~((Recipients enrolled))~~ Enrollment in such plans ~~((are limited))~~ is voluntary and shall limit enrollees to the providers and services covered under these plans, except for:

- ~~(a) Services not included in the agreement; or~~
- ~~(b) Service delivery arrangements otherwise approved by the department; or~~
- ~~(c) Services which are immediately required due to an unforeseen injury, illness or condition).~~

(3) ~~((Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the department))~~ Primary care physician (PCP):

~~(a) Enrollees shall have a choice among the plan's PCPs when enrolling in the plan;~~

~~(b) Enrollees shall have the right to change their PCP:~~

~~(i) One time during a twelve-month period for any reason; and (ii) For any subsequent change during the twelve-month period, the enrollee's rights shall be the same as the rights of all non-DSHS enrollees.~~

~~(4) ((A recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the right to request a fair hearing if the decision is adverse or a written decision is not received within thirty days from the date the plan received the grievance))~~ Timely provision of services. Enrollees shall have the right to receive medically necessary care without unreasonable delay.

~~(5) ((Voluntary prepaid health plans with a stay-in provision shall have the following limitations:~~

~~(a) Enrollment:~~

~~(i) Enrollment periods shall be semi-annual one-month periods as determined by the department;~~

~~(ii) The department shall enroll the recipient if the recipient's request for enrollment is received:~~

~~(A) Within thirty days of certification for assistance; or~~

~~(B) Within thirty days of the date of transfer into the service area; or~~

~~(C) During an enrollment period:~~

~~(b) Disenrollment:~~

~~(i) The recipient may disenroll without cause:~~

~~(A) During the first month of enrollment; or~~

~~(B) During the semi-annual one-month enrollment period;~~

~~(ii) The department shall disenroll the recipient if:~~

~~(A) Eligibility for medical assistance is terminated; or~~

~~(B) The recipient moves out of the area served by the prepaid health plan; or~~

~~(C) The recipient demonstrates that he/she has good cause for disenrollment which shall include but not be limited to:~~

~~(i) Medically necessary services are not reasonably available from or through the prepaid health plan; or~~

~~(ii) The prepaid health plan has denied medically necessary services to the recipient; or~~

~~(iii) A change in circumstances results in geographical barriers making it unreasonably difficult for the recipient to obtain medically necessary services from or through the prepaid health plan))~~ Emergencies:

~~(a) For purposes of this section, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:~~

~~(i) Placing the enrollee's health in serious jeopardy;~~

~~(ii) Serious impairment to bodily functions; or~~

~~(iii) Serious dysfunction of any bodily organ or part.~~

~~(b) The plan shall determine if an emergency exists and be financially responsible for the cost of that determination;~~

~~(c) When an emergency exists, an enrollee shall not be financially responsible for any services rendered;~~

~~(d) When an emergency does not exist, and the plan does not authorize further services, an enrollee shall be financially responsible for any further services received only if the enrollee's signed consent is obtained prior to the receipt of the services.~~

~~(6) Physician referral. When medically necessary, the PCP shall make a prompt referral to another plan physician or specialist.~~

~~(7) Second opinions. An enrollee shall have the right to a second opinion by another PCP or specialist within the plan:~~

~~(a) When an enrollee wants more information as to the medical necessity of medical treatment recommended by the PCP; or~~

~~(b) If an enrollee believes the plan is not authorizing medically necessary care.~~

~~(8) Quality assurance:~~

~~(a) Each plan shall have a quality assurance program;~~

~~(b) A medical director appointed by the plan shall be responsible for the plan's quality assurance program;~~

~~(c) The plan shall furnish the division of medical assistance with a copy of and the plan's response to all written grievances; and~~

~~(d) The department shall arrange on an annual basis for an independent external review of the quality of services provided or arranged by the plan.~~

~~(9) Termination:~~

(a) The department shall terminate enrollment of an enrollee in the prepaid health plan if an enrollee becomes ineligible for enrollment due to a change in circumstances; and

(b) An enrollee shall have the right to request termination of enrollment in the plan without cause during any month of enrollment.

(10) Involuntary termination:

(a) The department shall terminate enrollment of an enrollee in the prepaid health plan if the plan establishes the enrollee's behavior:

(i) Is inconsistent with the plan's rules and regulations, such as intentional misconduct; or

(ii) Is such that it becomes medically nonfeasible to safely or prudently provide medical services.

(b) The plan shall not request involuntary termination of an enrollee solely due to an adverse change in the enrollee's health;

(c) The termination in subdivision (a) of this subsection shall not be effective unless:

(i) The plan sends a written request for an involuntary termination to the department; and

(ii) The department approves the termination.

(d) The department shall approve or disapprove the request for termination within thirty days of receipt of such request for termination.

(11) Fair hearings. An enrollee aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC:

(a) Except as provided in subsection (b) of this section, an enrollee shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall provide for an expeditious resolution by plan personnel with authority to require corrective action. There shall be a written decision stating the basis for the decision within thirty days of receipt of the written grievance. An enrollee has the right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the written grievance.

(b) In cases where the plan denies medical services an enrollee believes are urgently needed, an enrollee shall only be required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

WSR 88-09-079
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning family independence program, amending chapter 388-77 WAC;

that the agency will at 10:00 a.m., Tuesday, May 24, 1988, in Room 140, Auditorium, West 1101 College Avenue, Spokane; and at 10:00 a.m., Wednesday, May 25, 1988, in Seattle Center, NW Rooms, Olympic Room, Seattle; and at 2:00 p.m., Friday, May 27, 1988, in the City Hall Council Chambers, 8th and Plum, Olympia, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 28, 1988.

The authority under which these rules are proposed is chapter 74.21 RCW.

The specific statute these rules are intended to implement is chapter 74.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1988.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Troyce Warner
 Office of Issuances
 Department of Social and Health Services
 Mailstop OB-33H
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact the Office of Issuances, State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015. The meeting site is in a location which is barrier free.

Dated: April 12, 1988

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

Re: Chapter 388-77 WAC.

Purpose of These Rules: To implement the family independence program (FIP).

Statutory Authority: ESHB 448, chapter 434, Laws of 1987.

Summary of the Rules: The rules will launch a five-year FIP demonstration as an alternative to public assistance through economic independence for employable adults.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: Dave Andersen, Administrator, Division of Income Assistance, Office of Policy and Program Development, phone 753-4166, 234-4166 scan, mailstop OB-31C.

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

Chapter 388-77 WAC
FAMILY INDEPENDENCE PROGRAM

NEW SECTION

WAC 388-77-005 GENERAL PROVISIONS. (1) The department of social and health services adopts the following rules under authority of chapter 74.21 RCW.

(2) In those areas not expressly covered by chapter 388-77 WAC, it is the intent of the department that applicants/enrollees of the family independence program (FIP) be subject to and covered by the Washington Administrative Code applicable to the aid to families with dependent children program (AFDC).

(3) The department shall apply fair hearing rules in chapter 388-08 WAC to all decisions related to eligibility, participation, and work and training activities.

(4) The department shall designate those geographic areas where FIP is to be implemented.

(5) The department shall enroll eligible households residing in a designated FIP geographic area in FIP at application, at the annual face-to-face eligibility review, and at such other times as designated by the department.

(6) FIP enrollees transferring from a FIP to a non-FIP geographic area shall have the option to retain their FIP status if there is a FIP CSO in the county to which they transferred. Such enrollees wishing to remain in FIP shall report to, have their eligibility maintained by and services provided by, the FIP CSO in the county to which they transferred.

(7) Prior to denial or termination of FIP benefits, the department shall determine eligibility for other financial assistance, medical assistance, and food stamps.

NEW SECTION

WAC 388-77-010 **DEFINITION.** Unless the context clearly requires otherwise, the definitions in WAC 388-77-010 apply throughout chapter 388-77 WAC. When using the definition for child, parent, stepparent, etc., this can stand for either singular or plural. Other definitions applicable to FIP are contained in chapter 388-22 WAC.

(1) "Assessment" means the FIP orientation and evaluation of the appropriateness of employment, education, or training options for FIP enrollees.

(2) "Benchmark standard" means the basic monthly level of cash benefits, established according to family size, which equals the state's payment standard under the aid to families with dependent children program, plus an amount equal to eighty percent of the thrifty food plan for the appropriate FIP household size.

(3) "Dependent" means spouse, minor children or stepchildren, full-time students eighteen years of age and under nineteen years of age who are reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached.

(4) "Enrollee" means the head of household and/or family member of a family eligible to receive FIP cash assistance or other services under the family independence program.

(5) "Extended benefits" means noncash benefits the enrollee is eligible to receive after eligibility for cash assistance no longer exists because of increased earnings.

(6) "Family independence program" means a demonstration project which remains within the AFDC system under Title IV of the federal Social Security Act and the Food Stamp Act.

(7) "Family independence program services" includes job readiness programs, job development, employment, work programs, training, education, family planning services, development of mentor programs, income and medical support, parenting education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training on management of finances and use of credit.

(8) "FIP cash assistance" means the IV-A payment for the grant, additional requirements, and incentive and/or the cash equivalent for food stamps.

(9) "FIP noncash benefits" means benefits, such as medical or child care.

(10) "Full-time employment" means working one hundred fifty or more hours per month.

(11) "Half-time employment" means working seventy-five or more hours, but less than one hundred fifty hours, per month.

(12) "Incapacity" for FIP means the existence of a physiological, emotional, and/or mental impairment, defect, illness, or loss which is supported by competent medical testimony and is of such a debilitating nature as to reduce substantially or eliminate the person's ability to support or care for his or her child or children.

(13) "Incentive benefit payments" means those additional benefits payable to enrollees due to their participation in education, training, work programs, or employment.

(14) "Job" means a regularly performed lawful activity which generates a cash benefit for the enrollee.

(15) "Overpayment" means FIP cash assistance including food assistance, and/or medical benefits, received by the FIP assistance unit in excess of the amount for which the unit was eligible. An overpayment includes:

(a) "Intentional overpayment" means an overpayment resulting from a willful or knowing intent of the enrollee to receive or retain benefits to which the enrollee is not entitled;

(b) "Unintentional overpayment" means an overpayment that is not attributed to the applicant's/enrollee's willful intent to defraud the department.

(16) "Qualifying parent" means the parent in a two-parent household who earned the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(17) "Self-sufficiency plan" means a written agreement between the employment security department or the department and the enrollee that may include activities specifically undertaken for self-support, and other items outlined in the employability plan or social services plan.

(18) "Subsidized employment" means employment for which FIP has provided the employer the financial resources, in whole or in part, to compensate an enrollee for the performance of work.

NEW SECTION

WAC 388-77-015 **APPLICATIONS AND ASSESSMENT.** Application requirements for FIP shall be the same as for AFDC in WAC 388-38-030 through 388-38-200 except:

(1) FIP enrollees shall participate in the FIP assessment at application or at conversion to FIP, unless exempted under WAC 388-77-255:

(a) The department shall notify the enrollee in writing of the need for assessment;

(b) The enrollee shall have sixty days from the date such notice was postmarked to complete the assessment;

(c) Enrollees failing to comply with the assessment requirement shall be disqualified according to WAC 388-77-255;

(d) For purposes of subsection (1) of this section, an enrollee who previously completed an assessment, but has not been an enrollee of FIP for ninety days prior to application, shall be subject to the assessment requirement.

(2) FIP applicants shall submit a completed FIP application;

(3) FIP enrollees may receive services at a local office outside the geographic area in which he or she lives as provided in WAC 388-77-005(6).

NEW SECTION

WAC 388-77-045 **VERIFICATION.** (1) The department shall limit verification to:

- (a) Name,
- (b) Social security number,
- (c) Alien status,
- (d) Income.

(2) Notwithstanding subsection (1) of this section, the department shall verify all other factors of basic eligibility when:

(a) Information contradicts or conflicts with other statements made by the applicant/enrollee; or

(b) The department receives information from a third-party source that contradicts or conflicts with other statements made by the applicant/enrollee; or

(c) Professional judgment would cause the worker to question the accuracy of the information.

(3) The department shall not require the applicant/enrollee to provide a specific type of verification if the information available is sufficient;

(4) The department shall request verification documents which are the most readily available if such documents would be sufficient to determine eligibility.

(5) Costs of necessary verification shall be paid by the department.

NEW SECTION

WAC 388-77-200 **FAMILY INDEPENDENCE PROGRAM (FIP)—SUMMARY OF ELIGIBILITY CONDITIONS.** The department shall grant FIP benefits on behalf of a needy child:

(1) Who is under the age of eighteen years:

(a) FIP benefits may be granted to a pregnant woman in any trimester with no other children;

(b) FIP benefits shall continue through the month the eligible child reaches the maximum age.

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington;

(3) Who is living in the home of a relative of specified degree, except for a temporary period, or who, as a result of judicial action, was removed from his or her home and placed in foster care, and who meets the conditions specified in WAC 388-24-207;

(4) Who, if living with both parents when neither is incapacitated, meets the conditions in WAC 388-77-240;

(5) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States;

(6) Whose parent or stepparent has not transferred property contrary to law or WAC 388-24-457 through 388-24-465;

(7) Who is in financial need according to WAC 388-77-500;

(8) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month when the child becomes nineteen years of age. The school or training requirement shall not apply to an unmarried parent eighteen years of age and under nineteen years of age when such parent and his or her child live in the home of

such parent's parent or legal guardian. Such parents shall be included in an assistance unit as a needy child under rules applicable to minor parents in WAC 388-24-050(3) without regard to school or training attendance.

(9) For persons to be included in the FIP assistance unit, see WAC 388-77-210.

NEW SECTION

WAC 388-77-210 ASSISTANCE UNIT. Assistance units for FIP shall be the same as for the AFDC program in WAC 388-24-050 except to include a pregnant woman in the first or second trimester.

NEW SECTION

WAC 388-77-230 FAMILY INDEPENDENCE PROGRAM—INCAPACITY CRITERIA. (1) The department shall consider a child denied of parental support and care by reason of parental incapacity when he or she lives with two natural, adoptive, or stepparents when:

(a) One or both parents are substantially incapacitated; and
(b) The incapacity is expected to last for a period of thirty days or more from the date of application or redetermination.

(2) The department shall deem an incapacity to exist when an impairment and the prognosis is supported by evidence from a qualified medical professional, including, but not limited to:

(a) A licensed physician;
(b) A licensed clinical psychologist;
(c) A certified registered nurse (RN) if within the area of certification;
(d) The chief of medical administration or his or her designee of the Veteran's Administration as authorized by federal law;
(e) A mental health professional designated by the local community mental health agency as defined in RCW 71.05.020; and
(f) A certified substance abuse counselor.

(3) The department shall:

(a) Consider the applicant/enrollee incapacitated when competent medical testimony confirms the existence of the incapacitating condition;

(b) Make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency such as delay on the part of the applicant, the qualified medical professional, or other source of documentation;

(c) Request additional information when necessary;

(d) Confirm probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence, but shall not exceed twelve months without a redetermination of incapacity.

(4) Eligibility cannot be established if an applicant or enrollee fails to cooperate in obtaining information documenting incapacity.

(5) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

NEW SECTION

WAC 388-77-240 FIP—ELIGIBILITY FOR QUALIFYING A PARENT. (1) A child residing with two parents, when neither is incapacitated, shall be eligible for FIP when the qualifying parent:

(a) Is not employed more than one hundred hours a month except for intermittent temporary jobs; and

(b) Has been unemployed for at least thirty days prior to the date FIP is authorized;

(c) Has not refused a bona fide offer of employment or training for employment; or

(d) Has not voluntarily left a job without good cause during the thirty days prior to the date FIP is authorized; or

(e) Has not refused to apply for or accept unemployment compensation, if eligible.

(2) The qualifying parent is that parent earning the greater amount of income in the twenty-four-month period immediately preceding the month in which the application for FIP assistance is filed.

(a) The household shall designate the qualifying parent if both parents earned an identical amount of income, or had no earnings.

(b) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance.

(3) The department shall consider the following conditions good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the qualifying parent to satisfactorily perform the work required;

(b) Inability of the qualifying parent to get to and from the job without undue cost or hardships to them;

(c) The nature of the work would be hazardous to the qualifying parent;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute; or

(f) Adequate child care is not available.

(4) The child shall be residing with both parents except that one parent may be temporarily absent for up to ninety days to search for employment with the expectation of continuing to reside with the family.

(5) FIP shall not be denied or terminated solely because the qualifying parent works over one hundred hours while participating in:

(a) Institutional work experience training; or

(b) A public service employment and training program.

NEW SECTION

WAC 388-77-255 FIP—EMPLOYMENT AND TRAINING REQUIREMENTS. (1) The department shall require all FIP enrollees to participate in assessment activities with the following exceptions:

(a) An enrollee who is on FIP assistance for the first time and until he or she has been on FIP assistance for six months;

(b) A person under sixteen years of age or over sixty-four years of age;

(c) A person sixteen years of age or over who is in high school;

(d) A person who is incapacitated, temporarily ill, or is needed at home to care for an impaired person; and

(e) A person who is in the third trimester of pregnancy.

(2) The department shall impose the following sanctions on an enrollee required to complete an assessment who fails to comply with assessment activities without good cause:

(a) The enrollee shall be ineligible for three months for the first refusal to cooperate; and

(b) The enrollee shall be ineligible for six months for the second and each subsequent refusal; and

(c) Notwithstanding subsections (2)(a) and (b) of this section, the sanction status stops when the enrollee completes an assessment.

(3) When an enrollee refuses or fails to participate in assessment activities, the department shall document the following conditions to establish good cause:

(a) Physical, mental, or emotional inability to perform the required activity;

(b) Court-ordered appearance or temporary incarceration;

(c) Family or individual emergency or crisis;

(d) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(e) Inclement weather which prevents the individual and others similarly situated from traveling to or participating in the prescribed activity;

(f) Breakdown in child care arrangements, or child care not available to the single-parent FIP household;

(g) The existence of other circumstances that make completion of assessment activities an unreasonable expectation.

(4) Any enrollee disqualified for failing to comply with the assessment requirement shall have his or her needs removed from the grant.

NEW SECTION

WAC 388-77-270 SUPPORT. (1) FIP applicants/enrollees shall be subject to the provisions of chapters 388-11, 388-13, and 388-14 WAC to the same extent as applicants/recipients of AFDC except as provided in subsection (2) of this section.

(2) All FIP grant and child care expenditures paid to or on behalf of a FIP enrollee, except medical and the cash value of food stamps, are covered by the assignment of support under WAC 388-14-200.

NEW SECTION

WAC 388-77-285 ASSISTANCE TO MINORS. (1) The department shall determine eligibility according to WAC 388-77-200

through 388-77-280 if a minor applies for assistance for himself or herself.

(2) Parental consent is not required if an unmarried pregnant minor is requesting medical care. The following applies:

(a) The decision to proceed with medical care rests solely with the minor; and

(b) Involvement and/or consultation with the parent in reaching this decision shall be a matter of individual case judgment.

(3) The department shall not establish the financial eligibility of a minor without determining the parent's ability and willingness to give financial support. See WAC 388-83-130 for responsibility for medical care.

(4) Parental contact is not required when the minor applicant:

(a) Is married; or

(b) Is in the military service; or

(c) Has been declared emancipated by the court of competent jurisdiction prior to applying for assistance; and

(d) Is applying for medical assistance related to pregnancy.

(5) The department shall inform the minor applicant there will be communication with the parent or parents during the period of eligibility determination.

(6) The department shall establish the assistance unit of the minor parent according to WAC 388-77-210 if a minor parent and the minor parent's child reside with the minor's parent.

(7) The department shall consider the income of such parent available to meet the needs of the minor parent as specified in WAC 388-77-210 if the minor parent's parent is not included in the assistance unit of the minor parent.

(8) The department shall treat the legal guardian's income as available to meet the needs of the minor parent if a minor parent's legal guardian has a court-ordered responsibility for the support of such minor parent.

NEW SECTION

WAC 388-77-320 RESOURCES—EXEMPT. In addition to those exempted under aid to families with dependent children in WAC 388-28-575, the department shall exempt the following resources for FIP:

(1) The cash surrender value of life insurance;

(2) The cash surrender value of burial plots and prepaid funeral agreements;

(3) Nonexempt real property as long as the recipient is making a good faith effort to sell the property.

NEW SECTION

WAC 388-77-500 INCOME—DETERMINATION OF NEED.

(1) An applicant is not eligible for FIP cash assistance if nonexempt gross monthly income less disregards, as specified in the aid to families with dependent children program, exceeds the payment standard for AFDC in effect at the time of application.

(a) The department shall not apply the one hundred eighty-five percent gross income test in WAC 388-28-484(7) to FIP.

(b) For the purpose of subsection (1) of this section, an applicant shall not have been a recipient of AFDC or an enrollee of FIP for ninety days prior to application.

(2) An enrollee shall not be eligible for IV-A FIP cash assistance if nonexempt monthly income less disregards exceeds the totals of:

(a) The payment standard for aid to families with dependent children for the appropriate household size;

(b) Applicable incentives; and

(c) Authorized additional requirements.

(3) An enrollee shall not be eligible for FIP cash assistance when nonexempt income less deductions exceeds one hundred thirty-five percent of the benchmark.

(4) The department shall determine the exempt or nonexempt status of all income.

NEW SECTION

WAC 388-77-515 INCOME—EXEMPT. In addition to income exempted under the AFDC program in WAC 388-28-575, the department shall exempt the following income from FIP:

(1) Higher education benefits;

(2) Earned income tax credit (EIC);

(3) The earnings of a child under eighteen years of age or under nineteen years of age as included in the definition of dependent;

(4) Retroactive FIP benefits;

(5) Income tax refunds;

(6) Loans if there is a written agreement to repay; and

(7) Income in-kind.

NEW SECTION

WAC 388-77-520 INCOME—DEDUCTIONS. In computing income for FIP, the department shall deduct ten percent from gross earned income.

NEW SECTION

WAC 388-77-525 INCOME—SELF-EMPLOYMENT. In addition to those self-employment expenses deducted in WAC 388-28-520 for the aid to families with dependent children, the department shall deduct income used for capital expenditures.

NEW SECTION

WAC 388-77-555 EARNED INCOME REPORTING. (1) The department shall send employed enrollees a form to report their gross earnings and hours worked. This section shall not apply to an employed child who is at least a half-time student.

(2) Approved applicants who are employed shall begin to report their earnings and hours worked the month following the month of opening.

(3) Newly employed enrollees shall complete an earned income report the month following the month the department becomes aware of the earnings.

(4) The department shall:

(a) Issue advance and adequate notice of suspension to an enrollee who fails to return a completed earned income report by the tenth of the month;

(b) Suspend FIP cash assistance for one month if a completed report is not received during the report month;

(c) Reinstate, suspend, or terminate FIP assistance as appropriate when a report is received during the report month or the month of suspension and give advance notice of the action taken; and

(d) Issue advance notice of termination when no report is received during the month of suspension.

NEW SECTION

WAC 388-77-600 STANDARDS OF ASSISTANCE—HOLD HARMLESS. (1) The department shall ensure no applicant or enrollee of FIP receives less financial assistance than he or she would otherwise have been entitled to receive as a sum of the AFDC and food stamp programs under the rules in effect January 1, 1988, and as adjusted to reflect all increases in:

(a) The federal food stamp allotment and deductions; and

(b) The Washington state payment standard for aid to families with dependent children.

(2) The department shall compare the amount the household would have received under the AFDC program (excluding the allowance for the child care) with the FIP IV-A payment. If the AFDC payment amount is greater, the department shall issue a supplement to bring the FIP IV-A payment up to the amount the household would have received on AFDC.

NEW SECTION

WAC 388-77-605 STANDARDS OF ASSISTANCE—BENCHMARK STANDARD. (1) The benchmark standard for FIP assistance units shall be equal to the sum of the applicable AFDC payment standard for households with shelter costs and eighty percent of the thrifty food plan.

(2) The department shall round the product of the calculation of the eighty percent of the thrifty food plan down to the nearest dollar.

(3) The benchmark shall be based on the number of persons in the FIP assistance unit.

NEW SECTION

WAC 388-77-610 STANDARDS OF ASSISTANCE—INCENTIVE STANDARDS. (1) The department shall provide enrollees who are teen parents in high school or enrollees who are employed with incentive benefit payments as follows:

(a) Five percent of the benchmark standard for teenage parents who stay in:

- (i) High school and progress toward graduation; and
- (ii) Successfully participate in parenting education approved by the office of the superintendent of public instruction or the department.

(b) Fifteen percent of the benchmark standard for enrollees working half time;

(c) Thirty-five percent of the benchmark standard for enrollees working full-time.

(2) The department shall provide other FIP enrollees participating in approved education or training programs with incentive benefit payments equalling five percent of the benchmark standard.

(3) Self-employed enrollees shall be entitled to fifteen percent or thirty-five percent of the benchmark standard based on hours worked as computed by dividing the enrollee's net income by the average beginning hourly wage achieved by women enrollees during the previous year.

(4) Participation in work search shall not qualify an enrollee for an incentive under WAC 388-77-610.

(5) The department shall not pay more than one incentive per assistance unit. The incentive shall be paid at the highest level for which the assistance unit qualifies.

(6) The department shall round incentive payments down to the nearest dollar.

NEW SECTION

WAC 388-77-615 STANDARDS OF ASSISTANCE—PAYMENT AMOUNTS. (1) To determine FIP Title IV-A cash assistance, the department shall deduct nonexempt income, less disregards, from the sum of the applicable aid to families with dependent children payment standard, the incentive, and authorized additional requirements.

- (a) The department shall not pay grants less than one dollar.
- (b) The department shall round the amount to be issued down to the nearest dollar.

(2) Payment amounts for enrollees, not in their own home, shall be as in WAC 388-29-125 through 388-29-280.

NEW SECTION

WAC 388-77-735 SUSPENSION OF FIP CASH ASSISTANCE. (1) The department shall suspend FIP cash assistance:

- (a) When the recipient does not return the earned income report; or
- (b) For one month when the recipient's income exceeds one month's standard, but is less than the payment standard for two months.

(2) The department shall reinstate a suspended FIP cash assistance grant when the conditions that caused the recipient to be suspended cease to exist.

NEW SECTION

WAC 388-77-737 FIP EXTENDED BENEFITS. (1) The department shall extend FIP noncash benefits for a period of up to twelve months when an enrollee ceases to be eligible for FIP cash assistance as a result of increased earnings.

(2) When the nonexempt income of a household receiving extended medical and child care benefits drop below the one hundred thirty-five percent level, the department shall reinstate cash assistance if the enrollee has not willfully contributed to the decrease in income.

(3) FIP enrollees receiving FIP noncash benefits shall report their income, hours worked, child care cost, and other eligibility requirements as designated by the department, on a monthly basis, on a form designated by the department. Enrollees failing to report such information shall have their benefits terminated.

NEW SECTION

WAC 388-77-810 PERIODIC REVIEW AND REDETERMINATION OF ELIGIBILITY. The department shall:

- (1) Conduct an annual face-to-face interview to redetermine FIP continued eligibility;
- (2) Designate the forms to use during the periodic eligibility review;
- (3) Require one set of completed forms from each assistance unit;
- (4) Review each eligibility factor that is subject to change; and
- (5) Assure the recipient meets all the eligibility requirements of the program.

NEW SECTION

WAC 388-77-820 FOOD ASSISTANCE. The department shall determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC, except:

(1) Disregard as income the following in determining the food stamp benefit amount:

- (a) The FIP incentive;
- (b) Higher education benefits;
- (c) Earned income tax credit;
- (d) Retroactive FIP benefits;
- (e) The child support exempted by 42 U.S.C. Sec. 657(b) or 42 U.S.C. Sec. 602(a)(8)(iv); and
- (f) Earnings of a child.

(2) Pay the food stamp benefit amount as cash;

(3) Verify eligibility factors as in WAC 388-77-045;

(4) Consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) Determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC:

(a) FIP members will receive a prorated amount of benefits as food cash assistance;

(b) Non-FIP members will receive a prorated amount of benefits in food stamps.

NEW SECTION

WAC 388-77-900 OVERPAYMENTS. The department shall assess and recover overpayments of FIP benefits in the same manner and under the same authority as overpayments in prior programs.

- (1) FIP overpayments may be recovered from non-FIP grants;
- (2) Non-FIP overpayments may be recovered from FIP grants.

WSR 88-09-080

PROPOSED RULES

HUMAN RIGHTS COMMISSION

[Filed April 20, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or repeal rules concerning corrective employment programs, chapter 162-18 WAC, recind in part and add affirmative action defined, to provide consistency in interpretation of affirmative action in light of developing case law and new statute (chapter 49.74 RCW); and noncompliance of state agencies and institutions, chapter 162-19 WAC, to set out the commission's approach to enforcement of chapter 49.74 RCW, to set out instructions for resolving issues of noncompliance and to set out normal enforcement procedures and standards for remedies;

that the agency will at 2:00 p.m., Thursday, May 26, 1988, in the City Hall Council Chambers, 321 East Fifth Street, Port Angeles, Washington; and at 7:00 p.m., Wednesday, June 15, 1988, in the Port of Seattle, Third Floor Commission Chambers, Pier 66, Seattle, Washington; and at 2:00 p.m., Thursday, June 23, 1988, in the Eastern Washington University Higher Education Center, Fourth Floor Mall, West 705 First at Wall, Spokane, Washington, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 23, 1988.

The authority under which these rules are proposed is RCW 49.60.110.

The specific statute these rules are intended to implement is chapter 49.60 RCW for chapter 162-18 WAC and chapter 49.74 RCW for chapter 162-19 WAC.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 26, 1988.

Dated: April 20, 1988

By: William Gladden
Executive Secretary

STATEMENT OF PURPOSE

Title: Chapter 162-18 WAC, Corrective employment programs (recind in part) and affirmative action defined (new); and chapter 162-19 WAC, Noncompliance of state agencies and institutions.

Description of Purpose: Chapter 162-18 WAC, to provide consistency in interpretation of affirmative action in light of developing case law and new statute chapter 49.74 RCW; and chapter 162-19 WAC, to set out the commission's approach to enforcement of chapter 49.74 RCW, to set out instructions for resolving issues of non-compliance and to set out normal enforcement procedures and standards for remedies.

Statutory Authority: RCW 49.60.110.

Specific Statute Rule is Intended to Implement: Chapter 49.60 RCW for chapter 162-18 WAC; and chapter 49.74 RCW for chapter 162-19 WAC.

Summary of Rule: Chapter 162-18 WAC repeals corrective employment regulations and defines affirmative action as lawful under chapter 49.60 RCW, Law against discrimination. The regulations set out Human Rights Commission approach to affirmative action plans and define terms used in affirmative action. The required components of an affirmative action plan are set out; and chapter 162-19 WAC defines noncompliance of state agencies and institutions with chapter 49.74 RCW, Affirmative action in state government and provides for enforcement measures in instances of noncompliance. Procedures to be followed in such instances include: Notices of noncompliance, letters of commitment, conciliation, remedies and sanctions.

Reasons Supporting Proposed Action: Chapter 162-18 WAC, in light of recent court decisions and passage of chapter 49.74 RCW, rules adopted in the past no longer accurately reflect commission procedures. New rules will be consistent with current case law, agency practices, and with interpretations of chapter 49.74 RCW by Department of Personnel, Higher Education Personnel Board and State Patrol; and chapter 162-19 WAC, in order to fully implement chapter 49.74 RCW, rules for addressing noncompliance of state agencies and institutions must be set out.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: William Gladden, Executive Secretary and Maura Quiggle, Director of Special Programs.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Human Rights Commission.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Fiscal impact of passage of chapter 49.74 RCW is not affected by these regulations.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: Rules are not necessitated by federal law or federal or state court action; however, revisions interpret recent affirmative action case law.

Small Business Economic Impact Statement: None.

Chapter 162-18 WAC (~~CORRECTIVE EMPLOYMENT PROGRAMS~~) AFFIRMATIVE ACTION DEFINED

WAC

162-18-110	Purpose.
162-18-120	Affirmative action programs are lawful.
162-18-130	Approach to affirmative action plans.
162-18-140	Statutes interpreted.
162-18-150	Definitions.
162-18-160	Required components.

NEW SECTION

WAC 162-18-110 PURPOSE. (1) This chapter is issued to inform employers, employment agencies, labor organizations, and the public of the interpretation given by the Washington state human rights commission to affirmative action. This chapter cannot cover every question which might arise in connection with affirmative action. The commission hopes that in most cases the given rules, either directly or by analogy, will provide guidance. Employers, employment agencies, and labor unions with questions are invited to contact the commission's staff for advice and assistance.

(2) The purposes of this chapter are to establish standards for affirmative action and to declare that:

(a) It is the policy of the Washington state human rights commission to encourage affirmative action where it is appropriate.

(b) The Washington state human rights commission interprets the law against discrimination to mean that the use of affirmative action in employment is not prohibited by the law and in some circumstances is required by it.

(c) Affirmative action programs must be consistent with the purposes of the law against discrimination.

NEW SECTION

WAC 162-18-120 AFFIRMATIVE ACTION PROGRAMS ARE LAWFUL. It is not an unfair practice for purposes of RCW 49.60.180 (employment), RCW 49.60.190 (labor unions), or RCW 49.60.200 (employment agencies) for a person to adopt and use affirmative action programs which comply with the requirements of this chapter.

NEW SECTION

WAC 162-18-130 APPROACH TO AFFIRMATIVE ACTION PLANS. In general, the standard by which the commission measures the success or failure of an affirmative action plan is the degree of good faith effort on the part of the employer:

(1) To identify barriers to equal employment opportunity and to identify residual effects of past discrimination;

(2) To make commitments to eliminate identified barriers and residual effects; and

(3) To fulfill the commitments they have made.

NEW SECTION

WAC 162-18-140 STATUTES INTERPRETED. This chapter is intended to carry out the purposes of chapters 49.60 and 49.74 RCW, and to interpret and make more specific the following part of chapter 49.74 RCW:

"...the legislature finds and declares that racial minorities, women, persons in protected age groups, persons with disabilities, Vietnam-era veterans, and disabled veterans are underrepresented in Washington state government employment."

NEW SECTION

WAC 162-18-150 DEFINITIONS. (1) Adverse impact – A substantially different rate of selection in hiring, promotion, transfer, training, or in other employment decisions which works to the disadvantage of members of a protected group.

(2) Affected classes – Under chapter 49.60 RCW, a group of people of the same race, sex, color, creed, national origin, protected age category (40-70), and persons of disabilities. Under chapter 49.74 RCW, affected classes also include Vietnam-era veterans, or disabled veterans who have been denied equal opportunity in specific instances.

(3) Affirmative action plan – A written, results-oriented program, in which an employer details the steps it will take to ensure equal employment opportunity and correct any underutilization of protected group members.

(4) Availability – The number and/or percentage of protected group members who have the skills required for entry into a job within a specific job group or who are capable of acquiring them.

(5) Concentration – Having more protected class members in a particular job or job category/group than would reasonably be expected by their availability.

(6) Corrective employment program – Protected group-conscious relief used as an interim measure in hiring and promoting while non-discriminatory personnel procedures are being devised. Corrective employment programs are ordered by the commission through conciliation of noncompliance with chapter 49.60 or 49.74 RCW, or by an administrative law judge, or by a court of competent jurisdiction.

(7) Disabled – See persons of disability.

(8) Disabled veteran – Disabled veteran means a person entitled to disability compensation under laws administered by the veterans administration for disability rated at thirty per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

(9) Discrimination – Illegal treatment of a person or group (either intentional or unintentional) based on race, creed, color, national origin, age, sex, marital status, or the presence of a physical, mental, or sensory handicap, or veteran status. The term also includes the failure to remedy the effects of past discrimination.

(10) Equal employment opportunity – The opportunity to obtain employment and promotions without regard to race, color, creed, sex, marital status, national origin, age, or physical, sensory, or mental disability, or veteran status.

(11) Goal – A reasonable target, not a quota, expressed as both a number and percentage, for employing protected group members in a job group for which underutilization of the protected group exists.

(12) Handicapped – See persons of disability.

(13) Minority – The basic group or division of humankind (as evidenced by common customs, characteristics, language, history, etc.), of which an individual identifies himself/herself as being part. Ethnic categories used should not be considered scientific or anthropological, but are an effort to establish a reasonable uniform reporting base.

(a) American Indian or Alaskan Native – A person with origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

(b) Asian or Pacific Islander – A person with origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Republic, and Samoa.

(c) Black (not of Hispanic origin) – A person with origins in any of the Black racial groups of Africa who is also not of Hispanic origin.

(d) Caucasian – A person with origins in any of the original peoples of Europe, North Africa, or the Middle East who is not of Hispanic origin.

(e) Hispanic – A person of Mexican, Puerto Rican, Cuban, South American, or other Spanish culture or origin, regardless of race.

(14) Noncompliance – Failure to follow the conditions set out in equal opportunity or affirmative action statutes, and the regulations applicable through those statutes.

(15) Persons of disability – For affirmative action purposes, persons with physical, mental, or sensory impairments that would normally impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully correctable by medical replacement, therapy, or surgical means.

(16) Protected classes/groups – Legally identified groups that are specifically protected by statute (chapters 49.60 and 49.74 RCW), from employment discrimination.

(17) Underutilization – Disparity in the representation of protected group members in the workforce as compared to their availability.

(18) Vietnam-era veteran – A person who served on active duty for a period of more than one hundred eighty days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge; or who was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1975; and who was so discharged or released within forty-eight months preceding an alleged violation of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the affirmative action clause, or the regulations issued pursuant to the act.

NEW SECTION

WAC 162-18-160 REQUIRED COMPONENTS. An affirmative action plan shall consist of, but is not limited to, the following components:

(1) An equal employment opportunity/affirmative action policy statement reflecting the organization's policy and commitment to equal employment opportunity; the identification of the individual (or individuals) by name and title who has the responsibility for the implementation of the plan; and the internal and external methods by which the equal employment opportunity/affirmative action policy statement will be publicized.

(2) A utilization analysis consisting of the following three parts:

(a) Workforce analysis – A profile of the current workforce by number and percent, by job class and job category, by salary range, and by protected group status.

(b) Availability analysis – An estimate by number and percent of protected group members who have the skills required for entry into specific job classes or job categories or who are capable of acquiring them. Determination of availability shall include consideration of, but need not be limited to, the following factors:

(i) The protected group population of the relevant labor market.

(ii) The size of the protected group unemployment force in the relevant labor market.

(iii) The percentage of the protected group workforce as compared with the total workforce in the relevant labor market.

(iv) The general availability of protected group members having requisite skills in the relevant labor market.

(v) The availability of protected group members having requisite skills in an area in which the organization can reasonably recruit.

(vi) The degree of training which the organization is reasonably able to undertake as a means of making all job classes available to protected group members.

(vii) The existence of training institutions capable of training persons in the requisite skills.

(viii) The availability of promotable and transferable protected group members within the organization.

(c) Underutilization and concentration analysis – An analysis by number and percent comparing the current workforce to the available workforce for each job class and/or job category to determine the degree of underutilization or concentration if it exists.

(3) Goals and timetables which include the short-term and long-term objectives, set out by number, percent, and year, for elimination of underutilization and/or concentration of protected groups. The goals must be based on the utilization analysis as set out in subsection (2) of this section. The goals must be significant, measurable, and attainable; but should not be construed as inflexible quotas. Timetables must be realistic, based on anticipated turnover, expansion, and contraction of the workforce.

(4) Those action programs consisting of the following three parts:

(a) Identification and in-depth analysis of problems which are barriers to elimination of underutilization and/or concentration of protected groups. Examples of such problems include gender specific job titles, nonjob related minimum qualifications, restrictive recruiting methods, and physical barriers to persons of disability. Analysis of applicant flow by protected group should be utilized.

(b) Specific action steps designed and undertaken to resolve identified problems and eliminate barriers.

(c) Audit and reporting systems to measure the effectiveness of the action steps and monitor progress toward achieving goals within the established timetables.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 162-18-010 CORRECTIVE EMPLOYMENT PROGRAM DEFINED.
 WAC 162-18-020 PURPOSE AND POLICY.
 WAC 162-18-030 CORRECTIVE EMPLOYMENT PROGRAMS ARE LAWFUL.
 WAC 162-18-040 PERMISSIBLE COMPONENTS OF PROGRAM.
 WAC 162-18-050 WHEN PROGRAMS MAY BE USED.
 WAC 162-18-060 TERMINATION OF PROGRAMS.
 WAC 162-18-070 VOLUNTARY PROGRAMS RECOMMENDED.
 WAC 162-18-080 COMMISSION APPROVAL OF VOLUNTARY PROGRAMS.
 WAC 162-18-090 JOB ORDERS SPECIFYING RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, MARITAL STATUS, HANDICAP OR AGE.
 WAC 162-18-100 CONSTRUCTION—RELATION TO PRE-EMPLOYMENT INQUIRY GUIDE.

Chapter 162-19 WAC
 NONCOMPLIANCE OF STATE AGENCIES AND INSTITUTIONS

WAC

- 162-19-010 Purpose.
 162-19-020 Resolution of noncompliance—General principles.
 162-19-030 Notice of noncompliance.
 162-19-040 Notice of noncompliance—When issued.
 162-19-060 Letters of commitment.
 162-19-070 Conciliation agreements.
 162-19-080 Conciliation negotiations.
 162-19-090 Remedies and sanctions.

NEW SECTION

WAC 162-19-010 PURPOSE. (1) The purposes of this chapter are: To explain the approach to enforcement that will be taken by the commission; to provide instructions for resolving issues of noncompliance under chapter 49.74 RCW, Affirmative action; and to set out normal enforcement and conciliation procedures and minimum standards for remedies. This chapter should normally be followed whenever noncompliance is found.

(2) Where individuals or groups have been harmed by failure to remedy past discrimination as identified by the finding and declaration of the 1985 legislature, the commission's purpose is to obtain remedies to correct the effects of discrimination and prevent its recurrence.

NEW SECTION

WAC 162-19-020 RESOLUTION OF NONCOMPLIANCE—GENERAL PRINCIPLES. (1) As used in this chapter, the term "noncompliance" means an agency's or institution's failure to adopt or follow an affirmative action plan as prescribed by RCW 28B.16.100, 41.06.150, or 43.43.340, and chapter 162-18 WAC. For example, an affirmative action plan or annual report which is technically correct but which reflects no good faith effort to meet prior affirmative action commitments would be noncompliant.

(2) RCW 49.74.005 states "...The legislature finds and declares that racial minorities, women, persons in protected age groups, persons with disabilities, Vietnam-era veterans, and disabled veterans are underrepresented in Washington state government employment.

The purpose of this chapter is to provide for enforcement measures for affirmative action within Washington state government employment and institutions of higher education in order to eliminate such underrepresentation."

It is the commission's position that the intent of RCW 49.74.005, as stated above, is to address underrepresentation in all Washington state government employment. Therefore, though certain job classes are exempt from coverage of RCW 28B.16.100, 41.06.150, or 43.43.340, the government agency or institution is responsible for affirmative action to correct underutilization of protected group members at all levels, and actions to accomplish this must be set out in any affirmative action plan or report submitted to the commission for compliance review.

NEW SECTION

WAC 162-19-030 NOTICE OF NONCOMPLIANCE. Upon determination by commission staff that an agency, board, commission, or institution is not in compliance, the executive secretary will send written notice to the agency director, institution president, or chief of the state patrol, and the director of personnel or higher education personnel board, whichever is appropriate. The governor's affirmative action policy committee will also be notified. This notice will include a statement of the basis for issuance and will invite the agency or institution to submit a written response within thirty days.

NEW SECTION

WAC 162-19-040 NOTICE OF NONCOMPLIANCE—WHEN ISSUED. (1) A notice of noncompliance may be issued whenever the commission reasonably believes that the agency, board, commission, institution, or state patrol has failed to comply with the provisions of chapter 49.74 RCW. Such issuance may be triggered by the following circumstances:

(a) Failure to submit a timely affirmative action plan as required by the rules and guidelines of the department of personnel or the higher education personnel board; or

(b) Submission of an incomplete affirmative action plan.

(2) A notice may also be issued by the commission when its review of a timely, complete plan reveals deficiencies in any of the basic elements of the plan, including but not limited to:

(a) Reasonable self analysis;

(b) Reasonable basis for concluding action is appropriate;

(c) Reasonable action; or

(d) Identified violations of chapter 49.60 RCW, law against discrimination.

(3) General elements required in any affirmative action plan are expressed in WAC 162-18-160. Specific elements of an affirmative action plan under chapter 49.74 RCW are expressed as WAC regulations and guidelines published by the department of personnel, the higher education personnel board, and the state patrol. These WAC regulations and guidelines will generally serve as the basis for commission review and determination of noncompliance.

NEW SECTION

WAC 162-19-060 LETTERS OF COMMITMENT. (1) An agency, board, commission, institution of higher education, or the state patrol may elect to respond to a notice of noncompliance by submission of a "letter of commitment" which itemizes the deficiencies and the corrective actions to be taken and which specifies the dates when the corrective actions will be completed. A letter of commitment, dated and signed by the chief executive officer may be accepted by the executive secretary of the commission in lieu of conciliation and a conciliation agreement, or a public hearing before an administrative law judge. The commission will treat a letter of commitment the same as a conciliation agreement for purposes of future determinations of compliance.

(2) Letters of commitment are used when required modifications of an affirmative action plan consist of minor changes or revisions in goals and/or timetables; or limited changes in the determination of availability (provided the originally submitted goals, timetables, or availability data were developed in good faith), or if other deficiencies exist which are readily correctable.

NEW SECTION

WAC 162-19-070 CONCILIATION AGREEMENTS. (1) Conciliation agreements are required if the affirmative action provisions were not developed in good faith or if substantial modifications are required.

(2) Commission staff will invite the agency or institution to conciliate the issues of noncompliance within thirty days of the issuance of a notice if a letter of commitment has not been submitted; if there has been no response to the notice; or if the response did not adequately explain or resolve the issues of noncompliance. An invitation to conciliate will also be issued under the following circumstances:

(a) When an affirmative action plan is found to have major deficiencies, such as absence or substantial inadequacy of workforce data, absence of substantial inadequacy of goals and timetables, or absence or substantial inadequacy of affirmative action commitments;

(b) When an affirmative action plan has substantially deviated from a previous plan (e.g., failed to meet its goals and timetables), and has failed to show good cause for the deviation;

(c) When an agency or institution has not taken action specified in a letter of commitment and has failed to show good cause therefor; or

(d) Whenever a notice of noncompliance has been issued, unless the notice was erroneously issued or the agency/institution can show good cause for the deficiencies.

NEW SECTION

WAC 162-19-080 CONCILIATION NEGOTIATIONS. Procedures for conciliation are the same as those followed pursuant to RCW 49.60.240, as set forth in WAC 162-08-104, 162-08-106, and 162-08-109.

NEW SECTION

WAC 162-19-090 REMEDIES AND SANCTIONS. (1) The commission makes the following distinction between remedies and sanctions:

(a) REMEDIES. Remedies or corrective actions are the means by which a "right is enforced or the violation of a right is prevented, redressed, or compensated." (Black's Law Dictionary, 4th Ed. 1968.) Remedies are affirmative steps that are required to eliminate the effects of discrimination and/or noncompliance. They are corrective, not punitive.

(b) SANCTIONS. Sanctions are appropriate where an agency, board, commission, or institution fails to implement acceptable remedies for noncompliance, or where voluntary remedies are inappropriate, such as where the nature of the noncompliance shows a complete disregard for affirmative action programs set up under RCW 28B.16.100, 41.06.150, or 43.43.340.

(2) STANDARDS FOR REMEDIES. Remedies must be sufficient not only to ensure future compliance, but also to fully correct the effects of past noncompliance. Examples are expanded recruitment efforts, back pay, training, and/or corrective employment programs.

(3) STANDARDS FOR SANCTIONS. Sanctions must be sufficient to eliminate the potential for continuing noncompliance and to insure that the agency or institution feels the weight of the law; e.g., a "freeze" on personnel actions until the noncompliance is resolved, or direct oversight with regular progress reports to the commission on required actions.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-142	NEW	88-05-015	16-228-215	AMD-P	88-09-077	16-231-430	REP-P	88-06-071
4-25-181	REP	88-06-021	16-228-220	AMD-P	88-09-077	16-231-430	REP-E	88-07-038
4-25-190	NEW	88-06-021	16-228-222	NEW-P	88-09-077	16-231-430	REP	88-09-013
16-28-010	REP	88-05-003	16-228-227	NEW-P	88-09-077	16-231-535	REP-P	88-06-071
16-28-020	REP	88-05-003	16-228-228	NEW-P	88-09-077	16-231-535	REP-E	88-07-038
16-28-030	REP	88-05-003	16-228-232	NEW-P	88-09-077	16-231-535	REP	88-09-013
16-28-040	REP	88-05-003	16-228-400	NEW-E	88-07-033	16-231-625	REP-P	88-06-071
16-28-050	REP	88-05-003	16-228-410	NEW-E	88-07-033	16-231-625	REP-E	88-07-038
16-28-060	REP	88-05-003	16-228-420	NEW-E	88-07-033	16-231-625	REP	88-09-013
16-28-069	REP	88-05-003	16-228-430	NEW-E	88-07-033	16-231-730	REP-P	88-06-071
16-28-070	REP	88-05-003	16-228-440	NEW-E	88-07-033	16-231-730	REP-E	88-07-038
16-28-080	REP	88-05-003	16-228-450	NEW-E	88-07-033	16-231-730	REP	88-09-013
16-28-090	REP	88-05-003	16-228-460	NEW-E	88-07-033	16-231-845	REP-P	88-06-071
16-30	AMD	88-05-003	16-228-470	NEW-E	88-07-033	16-231-845	REP-E	88-07-038
16-30-010	AMD	88-05-003	16-228-480	NEW-E	88-07-033	16-231-845	REP	88-09-013
16-30-020	AMD	88-05-003	16-228-490	NEW-E	88-07-033	16-231-912	AMD	88-05-033
16-30-030	AMD	88-05-003	16-228-500	NEW-E	88-07-033	16-231-940	REP-P	88-06-071
16-30-040	AMD	88-05-003	16-228-510	NEW-E	88-07-033	16-231-940	REP-E	88-07-038
16-30-050	AMD	88-05-003	16-228-520	NEW-E	88-07-033	16-231-940	REP	88-09-013
16-30-060	AMD	88-05-003	16-230-030	AMD-P	88-05-055	16-231-950	NEW-P	88-06-071
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16-30-080	AMD	88-05-003	16-230-079	NEW-P	88-05-055	16-231-950	NEW	88-09-013
16-30-090	AMD	88-05-003	16-230-079	NEW	88-08-050	16-232-010	AMD	88-05-033
16-54-010	AMD	88-05-003	16-230-475	NEW-P	88-06-071	16-232-015	AMD	88-05-033
16-54-082	AMD	88-05-003	16-230-475	NEW-E	88-07-033	16-232-020	AMD	88-05-033
16-86-015	AMD	88-05-003	16-230-475	NEW	88-09-013	16-232-025	AMD	88-05-033
16-86-030	AMD	88-05-003	16-230-640	AMD	88-05-033	16-232-027	NEW	88-05-033
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16-156-001	NEW	88-07-024	16-231-020	AMD	88-05-033	16-232-035	AMD	88-09-013
16-156-005	NEW-P	88-04-073	16-231-035	REP-P	88-06-071	16-232-038	AMD	88-05-033
16-156-005	NEW	88-07-024	16-231-035	REP-E	88-07-038	16-232-040	REP-P	88-06-071
16-156-010	NEW-P	88-04-073	16-231-035	REP	88-09-013	16-232-040	REP-E	88-07-038
16-156-010	NEW	88-07-024	16-231-115	AMD	88-05-033	16-232-040	REP	88-09-013
16-156-020	NEW-P	88-04-073	16-231-119	NEW	88-05-033	16-232-130	REP-P	88-06-071
16-156-020	NEW	88-07-024	16-231-125	AMD	88-05-033	16-232-130	REP-E	88-07-038
16-156-030	NEW-P	88-04-073	16-231-130	AMD-P	88-06-071	16-232-130	REP	88-09-013
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16-156-060	NEW-P	88-04-073	16-231-150	REP-P	88-06-071	16-232-320	REP	88-09-013
16-156-060	NEW	88-07-024	16-231-150	REP-E	88-07-038	16-232-950	NEW-P	88-06-071
16-228-003	REP-P	88-09-077	16-231-150	REP	88-09-013	16-232-950	NEW-E	88-07-038
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16-228-160	AMD-P	88-09-077	16-231-240	REP-E	88-07-038	16-304-040	REP-P	88-07-114
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16-228-190	AMD-P	88-09-077	16-231-345	REP-E	88-07-038	16-304-050	REP-P	88-07-114
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16-304-130	AMD-P	88-07-114	16-752-170	NEW	88-04-044	132E-112-140	REP-P	88-06-020
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16-316-724	AMD-P	88-07-114	44-10-060	NEW	88-04-081	132E-112-230	REP-P	88-06-020
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16-316-800	AMD-P	88-07-114	44-10-080	NEW	88-04-081	132E-124-040	REP-P	88-08-022
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16-750-005	NEW-E	88-03-059	67-25-404	AMD	88-09-006	132I-14-110	REP-P	88-03-047
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154-120-045	NEW-P	88-07-104	173-22-0648	AMD	88-03-070	173-160-095	NEW	88-08-070
154-120-050	NEW-P	88-07-104	173-95-010	NEW-P	88-09-076	173-160-100	REP	88-08-070
154-120-055	NEW-P	88-07-104	173-95-020	NEW-P	88-09-076	173-160-105	NEW	88-08-070
154-130-010	NEW-P	88-07-104	173-95-030	NEW-P	88-09-076	173-160-110	REP	88-08-070
154-130-020	NEW-P	88-07-104	173-95-040	NEW-P	88-09-076	173-160-115	NEW	88-08-070
154-130-030	NEW-P	88-07-104	173-95-050	NEW-P	88-09-076	173-160-120	REP	88-08-070
154-140-010	NEW-P	88-07-104	173-95-060	NEW-P	88-09-076	173-160-125	NEW	88-08-070
154-140-020	NEW-P	88-07-104	173-95-070	NEW-P	88-09-076	173-160-130	REP	88-08-070
154-140-030	NEW-P	88-07-104	173-95-080	NEW-P	88-09-076	173-160-135	NEW	88-08-070
154-150-010	NEW-P	88-07-104	173-95-090	NEW-P	88-09-076	173-160-140	REP	88-08-070
154-150-020	NEW-P	88-07-104	173-95-100	NEW-P	88-09-076	173-160-150	REP	88-08-070
154-150-030	NEW-P	88-07-104	173-95-110	NEW-P	88-09-076	173-160-160	REP	88-08-070
154-150-040	NEW-P	88-07-104	173-95-120	NEW-P	88-09-076	173-160-170	REP	88-08-070
154-150-050	NEW-P	88-07-104	173-95-130	NEW-P	88-09-076	173-160-180	REP	88-08-070
154-160-010	NEW-P	88-07-104	173-95-140	NEW-P	88-09-076	173-160-190	REP	88-08-070
154-160-020	NEW-P	88-07-104	173-95-150	NEW-P	88-09-076	173-160-200	REP	88-08-070
154-170-010	NEW-P	88-07-104	173-95-160	NEW-P	88-09-076	173-160-205	NEW	88-08-070
154-180-010	NEW-P	88-07-104	173-100-050	AMD-P	88-09-054	173-160-210	REP	88-08-070
154-180-020	NEW-P	88-07-104	173-100-160	NEW-P	88-09-054	173-160-215	NEW	88-08-070
154-180-030	NEW-P	88-07-104	173-110-010	NEW-E	88-08-020	173-160-220	REP	88-08-070
154-180-040	NEW-P	88-07-104	173-110-020	NEW-E	88-08-020	173-160-225	NEW	88-08-070
154-180-050	NEW-P	88-07-104	173-110-030	NEW-E	88-08-020	173-160-230	REP	88-08-070
154-180-060	NEW-P	88-07-104	173-110-040	NEW-E	88-08-020	173-160-235	NEW	88-08-070
154-180-070	NEW-P	88-07-104	173-110-050	NEW-E	88-08-020	173-160-240	REP	88-08-070
154-190-010	NEW-P	88-07-104	173-110-060	NEW-E	88-08-020	173-160-245	NEW	88-08-070
154-200-010	NEW-P	88-07-104	173-110-070	NEW-E	88-08-020	173-160-250	REP	88-08-070
154-200-020	NEW-P	88-07-104	173-110-080	NEW-E	88-08-020	173-160-255	NEW	88-08-070
154-200-030	NEW-P	88-07-104	173-110-090	NEW-E	88-08-020	173-160-260	REP	88-08-070
154-200-040	NEW-P	88-07-104	173-110-100	NEW-E	88-08-020	173-160-265	NEW	88-08-070
162-18-010	REP-P	88-09-080	173-124-06001	REP-P	88-09-054	173-160-270	REP	88-08-070
162-18-020	REP-P	88-09-080	173-124-070	NEW-P	88-09-054	173-160-275	NEW	88-08-070
162-18-030	REP-P	88-09-080	173-124-080	NEW-P	88-09-054	173-160-280	REP	88-08-070
162-18-040	REP-P	88-09-080	173-128A-060	NEW-P	88-09-054	173-160-285	NEW	88-08-070
162-18-050	REP-P	88-09-080	173-130A-215	NEW-P	88-09-054	173-160-290	REP	88-08-070
162-18-060	REP-P	88-09-080	173-130A-217	NEW-P	88-09-054	173-160-295	NEW	88-08-070
162-18-070	REP-P	88-09-080	173-130A-220	AMD-P	88-09-054	173-160-300	REP	88-08-070
162-18-080	REP-P	88-09-080	173-132-060	NEW-P	88-09-054	173-160-305	NEW	88-08-070
162-18-090	REP-P	88-09-080	173-134A-150	AMD-P	88-09-054	173-160-310	REP	88-08-070
162-18-100	REP-P	88-09-080	173-134A-165	NEW-P	88-09-054	173-160-315	NEW	88-08-070
162-18-110	NEW-P	88-09-080	173-134A-170	AMD-P	88-09-054	173-160-320	REP	88-08-070
162-18-120	NEW-P	88-09-080	173-136-095	NEW-P	88-09-054	173-160-325	NEW	88-08-070
162-18-130	NEW-P	88-09-080	173-136-100	AMD-P	88-09-054	173-160-330	REP	88-08-070
162-18-140	NEW-P	88-09-080	173-136-110	NEW-P	88-09-054	173-160-335	NEW	88-08-070
162-18-150	NEW-P	88-09-080	173-150-125	NEW-P	88-09-054	173-160-340	REP	88-08-070
162-18-160	NEW-P	88-09-080	173-150-130	AMD-P	88-09-054	173-160-345	NEW	88-08-070
162-19-010	NEW-P	88-09-080	173-150-135	NEW-P	88-09-054	173-160-350	REP	88-08-070
162-19-020	NEW-P	88-09-080	173-154-095	NEW-P	88-09-054	173-160-355	NEW	88-08-070
162-19-030	NEW-P	88-09-080	173-154-100	AMD-P	88-09-054	173-160-360	REP	88-08-070
162-19-040	NEW-P	88-09-080	173-154-105	NEW-P	88-09-054	173-160-365	NEW	88-08-070
162-19-060	NEW-P	88-09-080	173-158-010	NEW-P	88-05-042	173-160-370	REP	88-08-070
162-19-070	NEW-P	88-09-080	173-158-020	NEW-P	88-05-042	173-160-375	NEW	88-08-070
162-19-080	NEW-P	88-09-080	173-158-030	NEW-P	88-05-042	173-160-380	REP	88-08-070
162-19-090	NEW-P	88-09-080	173-158-040	NEW-P	88-05-042	173-160-385	NEW	88-08-070
173-14	AMD-C	88-04-091	173-158-050	NEW-P	88-05-042	173-160-395	NEW	88-08-070
173-14-030	AMD-W	88-07-006	173-158-060	NEW-P	88-05-042	173-160-405	NEW	88-08-070
173-14-060	AMD-W	88-07-006	173-158-070	NEW-P	88-05-042	173-160-415	NEW	88-08-070
173-14-061	NEW-W	88-07-006	173-158-080	NEW-P	88-05-042	173-160-420	NEW	88-08-070
173-18-280	AMD	88-03-070	173-158-090	NEW-P	88-05-042	173-160-425	NEW	88-08-070
173-19-130	AMD	88-07-009	173-158-100	NEW-P	88-05-042	173-160-435	NEW	88-08-070
173-19-220	AMD-P	88-03-069	173-158-110	NEW-P	88-05-042	173-160-445	NEW	88-08-070
173-19-220	AMD-P	88-08-063	173-158-120	NEW-P	88-05-042	173-160-455	NEW	88-08-070

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-160-465	NEW	88-08-070	173-303-805	AMD	88-07-039	173-515-095	NEW-P	88-09-054
173-160-475	NEW	88-08-070	173-303-806	AMD	88-07-039	173-515-100	AMD-P	88-09-054
173-160-500	NEW	88-08-070	173-303-901	NEW	88-07-039	173-522-020	AMD-P	88-09-054
173-160-510	NEW	88-08-070	173-303-910	AMD	88-02-057	173-522-070	NEW-P	88-09-054
173-160-520	NEW	88-08-070	173-304	AMD-C	88-08-062	173-522-080	NEW-P	88-09-054
173-160-530	NEW	88-08-070	173-304-100	AMD-P	88-04-074	173-522-090	NEW-P	88-09-054
173-160-540	NEW	88-08-070	173-304-400	AMD-P	88-04-074	173-530-910	REP-P	88-09-054
173-160-550	NEW	88-08-070	173-304-405	AMD-P	88-04-074	173-530-920	REP-P	88-09-054
173-160-560	NEW	88-08-070	173-304-407	NEW-P	88-04-074	173-530-930	REP-P	88-09-054
173-162	AMD-C	88-04-071	173-304-430	AMD-P	88-04-074	173-530-940	REP-P	88-09-054
173-162	AMD	88-08-070	173-304-450	AMD-P	88-04-074	173-530-950	REP-P	88-09-054
173-162-010	AMD	88-08-070	173-304-460	AMD-P	88-04-074	173-530-960	REP-P	88-09-054
173-162-020	AMD	88-08-070	173-304-467	NEW-P	88-04-074	173-531A-080	NEW-P	88-09-054
173-162-030	AMD	88-08-070	173-304-600	AMD-P	88-04-074	173-531A-090	NEW-P	88-09-054
173-162-040	AMD	88-08-070	173-309-010	NEW-P	88-09-049	173-532-090	NEW-P	88-09-054
173-162-050	AMD	88-08-070	173-309-010	NEW-E	88-09-050	173-532-100	NEW-P	88-09-054
173-162-060	AMD	88-08-070	173-309-020	NEW-P	88-09-049	173-532-110	NEW-P	88-09-054
173-162-100	AMD	88-08-070	173-309-020	NEW-E	88-09-050	173-545-090	AMD-P	88-09-054
173-162-110	REP	88-08-070	173-309-030	NEW-P	88-09-049	173-545-095	NEW-P	88-09-054
173-162-130	AMD	88-08-070	173-309-030	NEW-E	88-09-050	173-545-100	AMD-P	88-09-054
173-162-140	AMD	88-08-070	173-309-040	NEW-P	88-09-049	173-548-080	NEW-P	88-09-054
173-162-150	REP	88-08-070	173-309-040	NEW-E	88-09-050	173-548-090	NEW-P	88-09-054
173-162-160	REP	88-08-070	173-309-050	NEW-P	88-09-049	173-548-100	NEW-P	88-09-054
173-162-170	AMD	88-08-070	173-309-050	NEW-E	88-09-050	173-549-090	AMD-P	88-09-054
173-162-180	REP	88-08-070	173-309-060	NEW-P	88-09-049	173-549-095	NEW-P	88-09-054
173-162-190	AMD	88-08-070	173-309-060	NEW-E	88-09-050	173-549-100	AMD-P	88-09-054
173-162-200	NEW	88-08-070	173-309-070	NEW-P	88-09-049	173-555-080	NEW-P	88-09-054
173-162-210	NEW	88-08-070	173-309-070	NEW-E	88-09-050	173-555-090	NEW-P	88-09-054
173-162-220	NEW	88-08-070	173-309-080	NEW-P	88-09-049	173-555-100	NEW-P	88-09-054
173-164-050	AMD-P	88-09-054	173-309-080	NEW-E	88-09-050	173-559-080	NEW-P	88-09-054
173-164-080	NEW-P	88-09-054	173-309-090	NEW-P	88-09-049	173-559-090	NEW-P	88-09-054
173-166-070	NEW-P	88-09-054	173-309-090	NEW-E	88-09-050	173-559-100	NEW-P	88-09-054
173-201	AMD	88-02-058	173-340-010	NEW-P	88-07-105	173-563-050	AMD-P	88-09-054
173-201-010	AMD	88-02-058	173-340-010	NEW-E	88-07-106	173-563-070	AMD-P	88-09-054
173-201-025	AMD	88-02-058	173-340-020	NEW-P	88-07-105	173-563-075	NEW-P	88-09-054
173-201-035	AMD	88-02-058	173-340-020	NEW-E	88-07-106	173-563-080	AMD-P	88-09-054
173-201-045	AMD	88-02-058	173-340-030	NEW-P	88-07-105	173-563-090	AMD-P	88-09-054
173-201-047	NEW	88-02-058	173-340-030	NEW-E	88-07-106	173-590-090	AMD-P	88-09-054
173-201-070	AMD	88-02-058	173-340-040	NEW-P	88-07-105	173-590-110	AMD-P	88-09-054
173-201-080	AMD	88-02-058	173-340-040	NEW-E	88-07-106	173-590-140	AMD-P	88-09-054
173-201-090	AMD	88-02-058	173-340-050	NEW-P	88-07-105	173-590-180	AMD-P	88-09-054
173-201-100	AMD	88-02-058	173-340-050	NEW-E	88-07-106	173-590-190	NEW-P	88-09-054
173-216-130	AMD-P	88-07-103	173-500-010	AMD-P	88-09-054	173-591-060	AMD-P	88-09-054
173-220-150	AMD-P	88-07-103	173-500-030	AMD-P	88-09-054	173-591-070	AMD-P	88-09-054
173-222-015	AMD-P	88-07-103	173-500-070	NEW-P	88-09-054	173-591-115	NEW-P	88-09-054
173-223-015	NEW-P	88-07-103	173-501-090	AMD-P	88-09-054	173-591-120	AMD-P	88-09-054
173-223-020	NEW-P	88-07-103	173-501-095	NEW-P	88-09-054	173-592-060	AMD-P	88-09-054
173-223-030	NEW-P	88-07-103	173-501-100	AMD-P	88-09-054	173-592-070	AMD-P	88-09-054
173-223-040	NEW-P	88-07-103	173-507-020	AMD-P	88-09-054	173-592-110	AMD-P	88-09-054
173-223-050	NEW-P	88-07-103	173-507-070	AMD-P	88-09-054	173-592-115	NEW-P	88-09-054
173-223-060	NEW-P	88-07-103	173-507-075	NEW-P	88-09-054	173-596-010	REP-P	88-09-054
173-223-070	NEW-P	88-07-103	173-507-080	AMD-P	88-09-054	173-596-015	REP-P	88-09-054
173-223-080	NEW-P	88-07-103	173-508-070	AMD-P	88-09-054	173-596-020	REP-P	88-09-054
173-223-090	NEW-P	88-07-103	173-508-090	AMD-P	88-09-054	173-596-025	REP-P	88-09-054
173-223-100	NEW-P	88-07-103	173-508-095	NEW-P	88-09-054	173-596-030	REP-P	88-09-054
173-223-120	NEW-P	88-07-103	173-508-100	AMD-P	88-09-054	173-596-035	REP-P	88-09-054
173-303	AMD-C	88-03-074	173-509-030	AMD-P	88-09-054	173-596-040	REP-P	88-09-054
173-303	AMD-C	88-06-041	173-509-080	AMD-P	88-09-054	173-596-045	REP-P	88-09-054
173-303-120	AMD	88-07-039	173-509-085	NEW-P	88-09-054	173-596-050	REP-P	88-09-054
173-303-140	AMD	88-02-057	173-509-090	AMD-P	88-09-054	173-596-055	REP-P	88-09-054
173-303-170	AMD	88-02-057	173-510-030	AMD-P	88-09-054	173-596-060	REP-P	88-09-054
173-303-280	AMD	88-02-057	173-510-090	AMD-P	88-09-054	173-596-065	REP-P	88-09-054
173-303-284	NEW	88-07-039	173-510-095	NEW-P	88-09-054	180-16-223	AMD-P	88-05-024
173-303-285	NEW	88-07-039	173-510-100	AMD-P	88-09-054	180-16-223	AMD-P	88-05-050
173-303-286	NEW	88-07-039	173-511-090	AMD-P	88-09-054	180-16-223	AMD	88-08-045
173-303-400	AMD	88-02-057	173-511-095	NEW-P	88-09-054	180-57-050	AMD-P	88-08-072
173-303-420	AMD	88-07-039	173-511-100	AMD-P	88-09-054	180-75-085	AMD-P	88-08-073
173-303-430	AMD	88-07-039	173-512-070	AMD-P	88-09-054	180-78	AMD-C	88-03-025
173-303-440	AMD	88-07-039	173-512-075	NEW-P	88-09-054	180-78	AMD	88-07-002
173-303-510	AMD	88-07-039	173-512-080	AMD-P	88-09-054	180-78-007	NEW	88-07-002
173-303-520	AMD	88-07-039	173-513-090	AMD-P	88-09-054	180-78-008	NEW	88-07-002
173-303-560	AMD	88-07-039	173-513-095	NEW-P	88-09-054	180-78-010	AMD	88-07-002
173-303-600	AMD	88-07-039	173-513-100	AMD-P	88-09-054	180-78-026	NEW	88-07-002
173-303-650	AMD	88-07-039	173-514-080	AMD-P	88-09-054	180-78-027	REP	88-07-002
173-303-665	AMD	88-02-057	173-514-085	NEW-P	88-09-054	180-78-028	NEW	88-07-002
173-303-800	AMD	88-07-039	173-514-090	AMD-P	88-09-054	180-78-029	NEW	88-07-002
173-303-802	AMD	88-07-039	173-515-090	AMD-P	88-09-054	180-78-030	REP	88-07-002

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-78-033	NEW	88-07-002	180-79-063	NEW	88-05-047	180-115-010	NEW-E	88-05-046
180-78-035	REP	88-07-002	180-79-065	AMD	88-05-047	180-115-010	NEW-P	88-05-052
180-78-036	NEW	88-07-002	180-79-080	AMD	88-05-047	180-115-010	NEW	88-08-044
180-78-037	NEW	88-07-002	180-79-086	AMD	88-05-047	180-115-015	NEW-E	88-05-046
180-78-040	REP	88-07-002	180-79-100	REP	88-05-047	180-115-015	NEW-P	88-05-052
180-78-047	NEW	88-07-002	180-79-115	AMD	88-05-047	180-115-015	NEW	88-08-044
180-78-050	REP	88-07-002	180-79-116	NEW-E	88-05-045	180-115-020	NEW-E	88-05-046
180-78-055	REP	88-07-002	180-79-116	NEW-P	88-05-051	180-115-020	NEW-P	88-05-052
180-78-057	AMD	88-07-002	180-79-116	NEW	88-08-046	180-115-020	NEW	88-08-044
180-78-060	AMD	88-07-002	180-79-117	NEW	88-05-047	180-115-025	NEW-E	88-05-046
180-78-063	NEW	88-07-002	180-79-120	AMD	88-05-047	180-115-025	NEW-P	88-05-052
180-78-065	NEW	88-07-002	180-79-122	NEW	88-05-047	180-115-025	NEW	88-08-044
180-78-068	NEW	88-07-002	180-79-125	AMD	88-05-047	180-115-030	NEW-E	88-05-046
180-78-070	NEW	88-07-002	180-79-127	NEW	88-05-047	180-115-030	NEW-P	88-05-052
180-78-073	NEW	88-07-002	180-79-129	NEW-E	88-05-045	180-115-030	NEW	88-08-044
180-78-074	NEW	88-07-002	180-79-129	NEW-P	88-05-051	180-115-035	NEW-E	88-05-046
180-78-075	NEW	88-07-002	180-79-129	NEW	88-08-046	180-115-035	NEW-P	88-05-052
180-78-080	NEW	88-07-002	180-79-130	REP	88-05-047	180-115-035	NEW	88-08-044
180-78-085	NEW	88-07-002	180-79-131	NEW	88-05-047	180-115-040	NEW-E	88-05-046
180-78-090	NEW	88-07-002	180-79-135	REP	88-05-047	180-115-040	NEW-P	88-05-052
180-78-095	NEW	88-07-002	180-79-136	NEW	88-05-047	180-115-040	NEW	88-08-044
180-78-100	NEW	88-07-002	180-79-140	NEW	88-05-047	180-115-045	NEW-E	88-05-046
180-78-105	NEW	88-07-002	180-79-150	REP	88-05-047	180-115-045	NEW-P	88-05-052
180-78-110	NEW	88-07-002	180-79-155	REP	88-05-047	180-115-045	NEW	88-08-044
180-78-115	NEW	88-07-002	180-79-160	REP	88-05-047	180-115-050	NEW-E	88-05-046
180-78-120	NEW	88-07-002	180-79-170	REP	88-05-047	180-115-050	NEW-P	88-05-052
180-78-125	NEW	88-07-002	180-79-175	REP	88-05-047	180-115-050	NEW	88-08-044
180-78-130	NEW	88-07-002	180-79-185	REP	88-05-047	180-115-055	NEW-E	88-05-046
180-78-140	NEW	88-07-002	180-79-190	REP	88-05-047	180-115-055	NEW-P	88-05-052
180-78-145	NEW	88-07-002	180-79-195	REP	88-05-047	180-115-055	NEW	88-08-044
180-78-150	NEW	88-07-002	180-79-200	REP	88-05-047	180-115-060	NEW-E	88-05-046
180-78-155	NEW	88-07-002	180-79-205	REP	88-05-047	180-115-060	NEW-P	88-05-052
180-78-160	NEW	88-07-002	180-79-210	REP	88-05-047	180-115-060	NEW	88-08-044
180-78-165	NEW	88-07-002	180-79-215	REP	88-05-047	180-115-065	NEW-E	88-05-046
180-78-170	NEW	88-07-002	180-79-230	AMD	88-05-047	180-115-065	NEW-P	88-05-052
180-78-175	NEW	88-07-002	180-79-245	AMD	88-05-047	180-115-065	NEW	88-08-044
180-78-180	NEW	88-07-002	180-79-250	REP	88-05-047	180-115-070	NEW-E	88-05-046
180-78-185	NEW	88-07-002	180-80-205	REP	88-05-048	180-115-070	NEW-P	88-05-052
180-78-190	NEW	88-07-002	180-80-210	REP	88-05-048	180-115-070	NEW	88-08-044
180-78-193	AMD	88-07-002	180-80-215	REP	88-05-048	180-115-075	NEW-E	88-05-046
180-78-194	AMD	88-07-002	180-80-280	REP	88-05-048	180-115-075	NEW-P	88-05-052
180-78-199	AMD	88-07-002	180-80-285	REP	88-05-048	180-115-075	NEW	88-08-044
180-78-205	NEW	88-07-002	180-80-290	REP	88-05-048	180-115-080	NEW-E	88-05-046
180-78-210	NEW	88-07-002	180-80-295	REP	88-05-048	180-115-080	NEW-P	88-05-052
180-78-215	NEW	88-07-002	180-80-300	REP	88-05-048	180-115-080	NEW	88-08-044
180-78-220	NEW	88-07-002	180-80-301	REP	88-05-048	180-115-085	NEW-E	88-05-046
180-78-225	NEW	88-07-002	180-80-302	REP	88-05-048	180-115-085	NEW-P	88-05-052
180-78-230	NEW	88-07-002	180-80-303	REP	88-05-048	180-115-085	NEW	88-08-044
180-78-235	NEW	88-07-002	180-80-312	REP	88-05-048	180-115-090	NEW-E	88-05-046
180-78-240	NEW	88-07-002	180-80-530	REP	88-05-048	180-115-090	NEW-P	88-05-052
180-78-245	NEW	88-07-002	180-80-705	REP	88-05-048	180-115-090	NEW	88-08-044
180-78-250	NEW	88-07-002	180-84-015	REP	88-05-049	180-115-095	NEW-E	88-05-046
180-78-255	NEW	88-07-002	180-84-020	REP	88-05-049	180-115-095	NEW-P	88-05-052
180-78-260	NEW	88-07-002	180-84-025	REP	88-05-049	180-115-095	NEW	88-08-044
180-78-265	NEW	88-07-002	180-84-050	REP	88-05-049	180-115-100	NEW-E	88-05-046
180-78-270	NEW	88-07-002	180-84-055	REP	88-05-049	180-115-100	NEW-P	88-05-052
180-78-275	NEW	88-07-002	180-84-060	REP	88-05-049	180-115-100	NEW	88-08-044
180-78-280	NEW	88-07-002	180-84-075	REP	88-05-049	180-115-105	NEW-E	88-05-046
180-78-285	NEW	88-07-002	180-84-080	REP	88-05-049	180-115-105	NEW-P	88-05-052
180-78-290	NEW	88-07-002	180-84-090	REP	88-05-049	180-115-105	NEW	88-08-044
180-78-295	NEW	88-07-002	180-110-010	NEW	88-06-002	182-12-115	AMD-P	88-09-058
180-78-300	NEW	88-07-002	180-110-015	NEW	88-06-002	182-12-120	REP-P	88-09-058
180-78-305	NEW	88-07-002	180-110-017	NEW	88-06-002	182-12-165	AMD-P	88-09-058
180-78-310	NEW	88-07-002	180-110-020	NEW	88-06-002	192-16-057	NEW-P	88-07-108
180-78-315	NEW	88-07-002	180-110-030	NEW	88-06-002	192-16-061	NEW	88-05-034
180-78-320	NEW	88-07-002	180-110-035	NEW	88-06-002	192-16-065	NEW-E	88-07-107
180-78-325	NEW	88-07-002	180-110-040	NEW	88-06-002	192-16-065	NEW-P	88-07-108
180-79-007	AMD-E	88-05-045	180-110-045	NEW	88-06-002	192-28-105	AMD-P	88-07-109
180-79-007	AMD-P	88-05-051	180-110-050	NEW	88-06-002	192-28-110	AMD-P	88-07-109
180-79-007	AMD	88-08-046	180-110-052	NEW	88-06-002	192-28-120	AMD-P	88-07-109
180-79-010	AMD	88-05-047	180-110-053	NEW	88-06-002	192-28-130	NEW-P	88-07-109
180-79-013	REP	88-05-047	180-110-055	NEW	88-06-002	192-42-005	NEW-P	88-07-110
180-79-014	REP	88-05-047	180-110-060	NEW	88-06-002	192-42-010	NEW-P	88-07-110
180-79-045	AMD	88-05-047	180-110-065	NEW	88-06-002	192-42-020	NEW-P	88-07-110
180-79-049	NEW	88-05-047	180-115-005	NEW-E	88-05-046	192-42-030	NEW-P	88-07-110
180-79-060	AMD	88-05-047	180-115-005	NEW-P	88-05-052	192-42-040	NEW-P	88-07-110
180-79-062	NEW	88-05-047	180-115-005	NEW	88-08-044	192-42-050	NEW-P	88-07-110

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192-42-070	NEW-P	88-07-110	220-24-02000B	NEW-E	88-09-023	220-56-33500F	NEW-E	88-08-002
192-42-080	NEW-P	88-07-110	220-32-03000N	NEW-E	88-05-035	220-56-350	AMD-P	88-03-075
196-04-025	NEW-E	88-05-064	220-32-03000N	REP-E	88-07-014	220-56-35000D	NEW-E	88-08-002
196-04-025	NEW-P	88-07-094	220-32-03000P	NEW-E	88-07-014	220-56-355	AMD-P	88-03-075
196-04-030	AMD-E	88-05-064	220-32-05100A	NEW-E	88-07-015	220-56-35500A	NEW-E	88-08-002
196-04-030	AMD-P	88-07-094	220-32-05100Z	NEW-E	88-05-014	220-56-36000P	NEW-E	88-07-013
196-12-010	AMD-E	88-05-064	220-32-05100Z	REP-E	88-07-015	220-56-380	AMD-P	88-03-075
196-12-010	AMD-P	88-07-094	220-32-05900N	NEW-E	88-09-052	220-56-380	AMD-P	88-03-076
196-12-085	AMD-E	88-05-064	220-44-050	AMD-P	88-09-051	220-56-38000B	NEW-E	88-08-002
196-12-085	AMD-P	88-07-094	220-44-05000M	NEW-E	88-09-004	220-57-130	AMD-P	88-03-075
196-16-007	AMD-E	88-05-064	220-48-01500A	NEW-E	88-03-009	220-57-135	AMD-P	88-03-075
196-16-007	AMD-P	88-07-094	220-48-01500B	NEW-E	88-07-034	220-57-160	AMD-P	88-03-075
196-20-010	AMD-E	88-05-064	220-48-01500C	NEW-E	88-09-032	220-57-16000N	NEW-E	88-08-002
196-20-010	AMD-P	88-07-094	220-48-02900B	NEW-E	88-03-009	220-57-200	AMD-P	88-03-075
204-08-020	AMD	88-03-031	220-48-06200C	NEW-E	88-09-005	220-57-200	AMD-P	88-03-075
204-08-030	AMD	88-03-031	220-49-02000X	NEW-E	88-09-022	220-57-230	AMD-P	88-03-075
204-08-040	AMD	88-03-031	220-52-010	AMD-P	88-07-111	220-57-240	AMD-P	88-03-075
204-08-050	AMD	88-03-031	220-55-040	AMD	88-05-002	220-57-240	AMD-P	88-03-076
212-17-001	AMD-P	88-03-014	220-55-060	AMD	88-05-002	220-57-270	AMD-P	88-03-075
212-17-001	AMD	88-08-027	220-55-065	AMD	88-05-002	220-57-285	AMD-P	88-03-075
212-17-010	AMD-P	88-03-014	220-55-06500A	NEW-E	88-02-048	220-57-290	AMD-P	88-03-075
212-17-010	AMD	88-08-027	220-55-070	AMD	88-05-002	220-57-29000J	NEW-E	88-08-055
212-17-060	AMD-P	88-03-014	220-55-07000A	NEW-E	88-02-048	220-57-31500H	NEW-E	88-08-055
212-17-060	AMD	88-08-027	220-55-075	AMD	88-05-002	220-57-327	AMD-P	88-03-075
212-17-065	AMD-P	88-03-014	220-55-07500A	NEW-E	88-02-048	220-57-335	AMD-P	88-03-075
212-17-065	AMD	88-08-027	220-55-07600A	NEW-E	88-02-048	220-57-380	AMD-P	88-03-076
212-17-070	AMD-P	88-03-014	220-55-080	AMD	88-05-002	220-57-385	AMD-P	88-03-075
212-17-070	AMD	88-08-027	220-55-085	REP	88-05-002	220-57-445	AMD-P	88-03-075
212-17-085	AMD-P	88-03-014	220-55-090	AMD	88-05-002	220-57-460	AMD-P	88-03-075
212-17-085	AMD	88-08-027	220-55-095	REP	88-05-002	220-57-495	AMD-P	88-03-075
212-17-115	AMD-P	88-03-014	220-55-105	AMD	88-05-002	220-57-505	AMD-P	88-03-075
212-17-115	AMD	88-08-027	220-55-110	AMD	88-05-002	220-57-50500N	NEW-E	88-08-055
212-17-120	AMD-P	88-03-014	220-55-115	AMD	88-05-002	220-57-515	AMD-P	88-03-075
212-17-120	AMD	88-08-027	220-55-120	AMD	88-05-002	220-57-51500C	NEW-E	88-08-055
212-17-125	AMD-P	88-03-014	220-55-12000A	NEW-E	88-02-048	220-57A-175	AMD-P	88-03-075
212-17-125	AMD	88-08-027	220-55-125	AMD	88-05-002	220-57A-180	AMD-P	88-03-075
212-17-135	AMD-P	88-03-014	220-55-130	AMD	88-05-002	220-69-238	NEW-E	88-02-048
212-17-135	AMD	88-08-027	220-55-135	AMD	88-05-002	220-69-238	NEW	88-05-002
212-17-140	AMD-P	88-03-014	220-55-13000A	NEW-E	88-02-048	220-69-245	AMD	88-05-002
212-17-140	AMD	88-08-027	220-56-105	AMD-P	88-03-075	230-02-280	NEW-P	88-03-024
212-17-170	AMD-P	88-03-014	220-56-115	AMD-P	88-03-075	230-02-280	NEW-P	88-09-020
212-17-170	AMD	88-08-027	220-56-11500B	NEW-E	88-08-002	230-02-290	NEW-P	88-03-024
212-17-185	AMD-P	88-03-014	220-56-116	AMD-P	88-03-076	230-02-290	NEW-P	88-09-020
212-17-185	AMD	88-08-027	220-56-120	AMD-P	88-03-076	230-04-065	AMD-P	88-09-020
212-17-195	AMD-P	88-03-014	220-56-128	AMD-P	88-03-076	230-04-190	AMD-P	88-09-020
212-17-195	AMD	88-08-027	220-56-12800C	NEW-E	88-08-002	230-04-197	REP-P	88-03-024
212-17-203	AMD-P	88-03-014	220-56-175	AMD	88-05-002	230-04-197	REP	88-07-059
212-17-203	AMD	88-08-027	220-56-17500A	NEW-E	88-02-048	230-04-201	AMD-P	88-07-061
212-17-225	AMD-P	88-03-014	220-56-180	AMD-P	88-03-075	230-04-201	AMD-P	88-09-020
212-17-225	AMD	88-08-027	220-56-18000V	NEW-E	88-08-002	230-04-260	AMD-P	88-09-020
212-17-230	AMD-P	88-03-014	220-56-18000W	NEW-E	88-08-003	230-08-010	AMD-P	88-03-024
212-17-230	AMD	88-08-027	220-56-185	AMD-P	88-03-075	230-08-010	AMD	88-09-020
212-17-235	AMD-P	88-03-014	220-56-195	AMD-P	88-03-075	230-08-017	NEW-P	88-03-024
212-17-235	AMD	88-08-027	220-56-19500H	NEW-E	88-08-002	230-08-017	NEW	88-09-020
212-17-245	AMD-P	88-03-014	220-56-199	AMD-P	88-03-075	230-08-025	AMD-P	88-03-024
212-17-245	AMD	88-08-027	220-56-19900B	NEW-E	88-08-002	230-08-025	AMD	88-09-020
212-17-250	AMD-P	88-03-014	220-56-205	AMD-P	88-03-075	230-08-130	AMD-P	88-03-024
212-17-250	AMD	88-08-027	220-56-20500B	NEW-E	88-08-002	230-08-130	AMD	88-09-020
212-17-260	AMD-P	88-03-014	220-56-235	AMD-P	88-03-075	230-08-170	REP-P	88-03-024
212-17-260	AMD	88-08-027	220-56-23500D	NEW-E	88-08-002	230-20-064	AMD-P	88-03-024
212-17-265	AMD-P	88-03-014	220-56-240	AMD-P	88-03-076	230-20-064	AMD-E	88-05-038
212-17-265	AMD	88-08-027	220-56-24000D	NEW-E	88-08-002	230-20-064	AMD	88-07-059
212-17-270	AMD-P	88-03-014	220-56-245	AMD-P	88-03-076	230-20-325	AMD-P	88-03-024
212-17-270	AMD	88-08-027	220-56-24500D	NEW-E	88-08-002	230-20-325	AMD	88-07-059
212-17-335	AMD-P	88-03-014	220-56-255	AMD-P	88-03-075	230-20-605	AMD-P	88-03-024
212-17-335	AMD	88-08-027	220-56-25500A	REP-E	88-06-050	230-20-605	AMD	88-07-059
212-17-345	AMD-P	88-03-014	220-56-25500B	NEW-E	88-06-050	230-20-610	AMD-P	88-03-024
212-17-345	AMD	88-08-027	220-56-25500B	REP-E	88-08-002	230-20-610	AMD	88-07-059
212-17-352	NEW-P	88-03-014	220-56-25500C	NEW-E	88-08-002	230-20-615	NEW-P	88-03-024
212-17-352	NEW	88-08-027	220-56-265	AMD-P	88-03-075	230-20-615	NEW	88-07-059
212-17-362	NEW-P	88-03-014	220-56-26500A	NEW-E	88-08-002	230-20-630	AMD-P	88-03-024
212-17-362	NEW	88-08-027	220-56-285	AMD-P	88-03-076	230-20-630	AMD	88-07-059
220-12-020	AMD-P	88-07-111	220-56-310	AMD-P	88-03-075	230-20-699	NEW-P	88-03-024
220-16-085	AMD-P	88-03-076	220-56-310	AMD-P	88-07-111	230-20-699	NEW-P	88-05-029
220-16-08500A	NEW-E	88-08-002	220-56-31000H	NEW-E	88-08-002	230-20-699	NEW	88-09-021
220-20-010	AMD-P	88-03-075	220-56-320	AMD-P	88-07-111	230-30-015	AMD-P	88-03-024

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230-30-018	AMD-P	88-09-020	248-63-030	REP-P	88-06-092
230-30-072	NEW-P	88-03-024	248-63-035	NEW-P	88-06-092
230-30-072	NEW-P	88-09-020	248-63-040	REP-P	88-06-092
230-30-300	NEW-P	88-03-024	248-63-045	NEW-P	88-06-092
230-30-300	NEW	88-07-059	248-63-050	REP-P	88-06-092
232-12-014	AMD	88-05-032	248-63-055	NEW-P	88-06-092
232-12-024	AMD-P	88-08-085	248-63-060	NEW-P	88-06-092
232-12-04507	NEW-E	88-05-022	248-63-065	NEW-P	88-06-092
232-12-054	AMD-P	88-08-084	248-63-070	REP-P	88-06-092
232-12-154	AMD	88-07-065	248-63-075	NEW-P	88-06-092
232-12-274	REP	88-05-031	248-63-080	REP-P	88-06-092
232-12-275	NEW-P	88-06-064	248-63-085	NEW-P	88-06-092
232-12-275	NEW	88-09-036	248-63-090	REP-P	88-06-092
232-12-276	NEW	88-05-031	248-63-095	NEW-P	88-06-092
232-12-827	NEW-P	88-08-086	248-63-100	REP-P	88-06-092
232-28-213	REP-P	88-08-083	248-63-105	NEW-P	88-06-092
232-28-21301	REP-P	88-08-083	248-63-110	REP-P	88-06-092
232-28-214	REP-P	88-08-083	248-63-115	NEW-P	88-06-092
232-28-217	NEW-P	88-08-083	248-63-120	REP-P	88-06-092
232-28-61520	NEW-E	88-03-032	248-63-125	NEW-P	88-06-092
232-28-616	REP	88-07-065	248-63-130	REP-P	88-06-092
232-28-61618	NEW-E	88-03-023	248-63-135	NEW-P	88-06-092
232-28-61619	NEW-E	88-06-032	248-63-140	REP-P	88-06-092
232-28-61620	NEW-E	88-06-033	248-63-145	NEW-P	88-06-092
232-28-61621	NEW-E	88-08-004	248-63-150	REP-P	88-06-092
232-28-61622	NEW-E	88-08-005	248-63-155	NEW-P	88-06-092
232-28-61623	NEW-E	88-08-006	248-63-160	REP-P	88-06-092
232-28-617	NEW	88-07-065	248-63-165	NEW-P	88-06-092
232-28-709	REP	88-06-006	248-63-170	REP-P	88-06-092
232-28-710	NEW	88-06-006	248-63-175	NEW-P	88-06-092
232-28-711	NEW-P	88-05-065	248-63-180	REP-P	88-06-092
232-28-711	NEW-W	88-07-093	248-100-011	AMD-P	88-03-022
232-28-809	REP-P	88-06-065	248-100-011	AMD	88-07-063
232-28-810	NEW-P	88-06-065	248-100-011	AMD-E	88-09-053
248-19-328	AMD	88-04-047	248-100-025	REP-P	88-03-022
248-19-373	AMD	88-04-047	248-100-025	REP	88-07-063
248-19-440	AMD-P	88-07-121	248-100-026	NEW-P	88-03-022
248-54-005	AMD	88-05-057	248-100-026	NEW	88-07-063
248-54-015	AMD	88-05-057	248-100-036	NEW-P	88-03-022
248-54-025	AMD	88-05-057	248-100-036	NEW	88-07-063
248-54-035	AMD	88-05-057	248-100-050	REP-P	88-03-022
248-54-045	AMD	88-05-057	248-100-050	REP	88-07-063
248-54-055	AMD	88-05-057	248-100-163	REP-P	88-03-022
248-54-065	AMD	88-05-057	248-100-163	REP	88-07-063
248-54-085	REP	88-05-057	248-100-164	REP-P	88-03-022
248-54-086	NEW	88-05-057	248-100-164	REP	88-07-063
248-54-095	REP	88-05-057	248-100-166	NEW-P	88-03-022
248-54-096	NEW	88-05-057	248-100-166	NEW	88-07-063
248-54-097	NEW	88-05-057	248-100-171	NEW-P	88-03-022
248-54-105	AMD	88-05-057	248-100-171	NEW	88-07-063
248-54-115	REP	88-05-057	248-100-176	NEW-P	88-03-022
248-54-125	AMD	88-05-057	248-100-176	NEW	88-07-063
248-54-131	NEW	88-05-057	248-100-181	NEW-P	88-03-022
248-54-135	AMD	88-05-057	248-100-181	NEW	88-07-063
248-54-145	AMD	88-05-057	248-100-186	NEW-P	88-03-022
248-54-155	AMD	88-05-057	248-100-186	NEW	88-07-063
248-54-165	AMD	88-05-057	248-100-191	NEW-P	88-03-022
248-54-175	AMD	88-05-057	248-100-191	NEW	88-07-063
248-54-185	AMD	88-05-057	248-100-196	NEW-P	88-03-022
248-54-194	NEW	88-05-057	248-100-196	NEW	88-07-063
248-54-195	REP	88-05-057	248-100-201	NEW-P	88-03-022
248-54-196	NEW	88-05-057	248-100-201	NEW	88-07-063
248-54-201	NEW	88-05-057	248-100-207	NEW-E	88-09-053
248-54-205	AMD	88-05-057	248-100-208	NEW-E	88-09-053
248-54-215	AMD	88-05-057	248-100-231	AMD-P	88-03-022
248-54-225	AMD	88-05-057	248-100-231	AMD	88-07-063
248-54-235	AMD	88-05-057	248-100-236	AMD-P	88-03-022
248-54-255	AMD	88-05-057	248-100-236	AMD	88-07-063
248-54-265	AMD	88-05-057	248-100-440	REP-P	88-03-022
248-54-275	REP	88-05-057	248-100-440	REP	88-07-063
248-54-285	AMD	88-05-057	248-100-450	REP-P	88-03-022
248-54-291	NEW	88-05-057	248-100-450	REP	88-07-063
248-63	AMD-P	88-06-092	248-100-452	REP-P	88-03-022
248-63-001	AMD-P	88-06-092	248-100-452	REP	88-07-063
248-63-010	AMD-P	88-06-092	248-172-101	NEW	88-04-090
248-172-201	NEW	88-04-090	248-172-201	NEW	88-04-090
248-172-202	NEW	88-04-090	248-172-202	NEW	88-04-090
248-172-203	NEW	88-04-090	248-172-203	NEW	88-04-090
248-172-204	NEW	88-04-090	248-172-204	NEW	88-04-090
248-172-205	NEW	88-04-090	248-172-205	NEW	88-04-090
248-172-206	NEW	88-04-090	248-172-206	NEW	88-04-090
248-172-301	NEW	88-04-090	248-172-301	NEW	88-04-090
248-172-302	NEW	88-04-090	248-172-302	NEW	88-04-090
248-172-303	NEW	88-04-090	248-172-303	NEW	88-04-090
248-172-304	NEW	88-04-090	248-172-304	NEW	88-04-090
248-172-401	NEW	88-04-090	248-172-401	NEW	88-04-090
248-172-402	NEW	88-04-090	248-172-402	NEW	88-04-090
250-20-021	AMD-P	88-06-089	250-20-021	AMD-P	88-06-089
250-20-031	AMD-P	88-06-089	250-20-031	AMD-P	88-06-089
250-40-030	AMD-P	88-06-090	250-40-030	AMD-P	88-06-090
250-40-045	AMD-P	88-06-090	250-40-045	AMD-P	88-06-090
250-40-050	AMD-P	88-06-090	250-40-050	AMD-P	88-06-090
250-60-020	AMD-P	88-06-091	250-60-020	AMD-P	88-06-091
250-60-030	AMD-P	88-06-091	250-60-030	AMD-P	88-06-091
250-60-040	AMD-P	88-06-091	250-60-040	AMD-P	88-06-091
250-60-050	AMD-P	88-06-091	250-60-050	AMD-P	88-06-091
250-60-060	AMD-P	88-06-091	250-60-060	AMD-P	88-06-091
250-60-070	AMD-P	88-06-091	250-60-070	AMD-P	88-06-091
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250-60-090	AMD-P	88-06-091	250-60-090	AMD-P	88-06-091
250-60-100	AMD-P	88-06-091	250-60-100	AMD-P	88-06-091
250-60-110	AMD-P	88-06-091	250-60-110	AMD-P	88-06-091
250-60-120	AMD-P	88-06-091	250-60-120	AMD-P	88-06-091
250-65-010	NEW	88-03-008	250-65-010	NEW	88-03-008
250-65-020	NEW	88-03-008	250-65-020	NEW	88-03-008
250-65-030	NEW	88-03-008	250-65-030	NEW	88-03-008
250-65-040	NEW	88-03-008	250-65-040	NEW	88-03-008
250-65-050	NEW	88-03-008	250-65-050	NEW	88-03-008
250-65-060	NEW	88-03-008	250-65-060	NEW	88-03-008
251-01-018	NEW-P	88-02-072	251-01-018	NEW-P	88-02-072
251-01-028	NEW-P	88-09-057	251-01-028	NEW-P	88-09-057
251-01-057	AMD-P	88-09-056	251-01-057	AMD-P	88-09-056
251-01-255	REP-P	88-02-071	251-01-255	REP-P	88-02-071
251-01-258	NEW-P	88-02-072	251-01-258	NEW-P	88-02-072
251-01-258	NEW-C	88-06-062	251-01-258	NEW-C	88-06-062
251-01-258	NEW-P	88-06-075	251-01-258	NEW-P	88-06-075
251-01-367	NEW-P	88-02-072	251-01-367	NEW-P	88-02-072
251-01-367	NEW-C	88-06-062	251-01-367	NEW-C	88-06-062
251-01-445	REP-P	88-02-072	251-01-445	REP-P	88-02-072
251-01-445	AMD-P	88-06-075	251-01-445	AMD-P	88-06-075
251-01-450	REP-P	88-02-072	251-01-450	REP-P	88-02-072
251-01-455	REP-P	88-02-072	251-01-455	REP-P	88-02-072
251-01-455	REP-P	88-06-075	251-01-455	REP-P	88-06-075
251-10-170	AMD-P	88-02-072	251-10-170	AMD-P	88-02-072
251-10-170	AMD-C	88-06-062	251-10-170	AMD-C	88-06-062
251-10-170	AMD-P	88-06-075	251-10-170	AMD-P	88-06-075
251-12-080	AMD-P	88-06-063	251-12-080	AMD-P	88-06-063
251-12-081	NEW-P	88-06-063	251-12-081	NEW-P	88-06-063
251-12-250	AMD-P	88-06-063	251-12-250	AMD-P	88-06-063
251-12-270	AMD-P	88-06-063	251-12-270	AMD-P	88-06-063
251-12-290	AMD-P	88-06-063	251-12-290	AMD-P	88-06-063
251-14-020	AMD-P	88-02-072	251-14-020	AMD-P	88-02-072
251-14-020	AMD-C	88-06-062	251-14-020	AMD-C	88-06-062
251-14-020	AMD-P	88-06-075	251-14-020	AMD-P	88-06-075
251-14-030	AMD-P	88-02-072	251-14-030	AMD-P	88-02-072
251-14-052	AMD-P	88-02-072	251-14-052	AMD-P	88-02-072
251-14-052	AMD-C	88-06-062	251-14-052	AMD-C	88-06-062
251-14-052	AMD-P	88-06-075	251-14-052	AMD-P	88-06-075
251-14-054	AMD-P	88-02-072	251-14-054	AMD-P	88-02-072
251-14-054	AMD-C	88-06-062	251-14-054	AMD-C	88-06-062
251-14-054	AMD-P	88-06-075	251-14-054	AMD-P	88-06-075
251-14-056	AMD-P	88-04-069	251-14-056	AMD-P	88-04-069
251-14-056	AMD	88-08-018	251-14-056	AMD	88-08-018
251-14-058	AMD-P	88-02-072	251-14-058	AMD-P	88-02-072
251-14-058	AMD-C	88-06-062	251-14-058	AMD-C	88-06-062
251-14-058	AMD-P	88-06-075	251-14-058	AMD-P	88-06-075
251-17-140	REP-P	88-09-057	251-17-140	REP-P	88-09-057
251-17-170	AMD-P	88-08-021	251-17-170	AMD-P	88-08-021
251-22-110	AMD-P	88-09-056	251-22-110	AMD-P	88-09-056
251-22-115	REP-P	88-09-056	251-22-115	REP-P	88-09-056
260-16-090	NEW	88-06-017	260-16-090	NEW	88-06-017

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
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260-34-010	NEW-P	88-06-052	275-38-715	AMD-P	88-07-122	296-17-349	NEW-P	88-02-059
260-34-010	NEW	88-09-033	275-38-720	AMD-P	88-07-122	296-17-349	NEW	88-06-048
260-34-020	NEW-P	88-06-052	275-38-725	AMD-P	88-07-122	296-17-350	AMD-C	88-06-046
260-34-020	NEW	88-09-033	275-38-735	REP-P	88-07-122	296-17-350	AMD-P	88-06-076
260-34-030	NEW-P	88-06-052	275-38-745	AMD-P	88-07-122	296-17-450	AMD-P	88-06-072
260-34-030	NEW	88-09-033	275-38-750	AMD-P	88-07-122	296-17-455	AMD-P	88-06-072
260-34-040	NEW-P	88-06-052	275-38-770	AMD-P	88-07-122	296-17-519	AMD-P	88-06-072
260-34-040	NEW	88-09-033	275-38-775	AMD-P	88-07-122	296-17-520	AMD-P	88-06-072
260-34-050	NEW-P	88-06-052	275-38-780	AMD-P	88-07-122	296-17-52102	AMD-P	88-06-072
260-34-050	NEW	88-09-033	275-38-785	AMD-P	88-07-122	296-17-52106	NEW-P	88-06-072
260-34-060	NEW-P	88-06-052	275-38-790	AMD-P	88-07-122	296-17-52107	NEW-P	88-06-072
260-34-060	NEW	88-09-033	275-38-800	AMD-P	88-07-122	296-17-52108	NEW-P	88-06-072
260-34-070	NEW-P	88-06-052	275-38-812	AMD-P	88-07-122	296-17-52701	AMD-P	88-06-072
260-34-070	NEW	88-09-033	275-38-815	AMD-P	88-07-122	296-17-536	AMD-P	88-06-072
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260-34-080	NEW	88-09-033	275-38-840	AMD-P	88-07-122	296-17-55201	NEW-P	88-02-060
260-34-090	NEW-P	88-06-052	275-38-845	AMD-P	88-07-122	296-17-55201	NEW	88-06-047
260-34-090	NEW	88-09-033	275-38-846	AMD-P	88-07-122	296-17-563	AMD-P	88-06-072
260-34-100	NEW-P	88-06-052	275-38-860	AMD-P	88-07-122	296-17-56402	NEW-P	88-06-072
260-34-100	NEW	88-09-033	275-38-869	AMD-P	88-07-122	296-17-567	AMD-P	88-06-072
260-34-110	NEW-P	88-06-052	275-38-880	AMD-P	88-07-122	296-17-580	AMD-P	88-06-072
260-34-120	NEW-P	88-06-052	275-38-886	AMD-P	88-07-122	296-17-582	AMD-P	88-06-072
260-34-130	NEW-P	88-06-052	275-38-887	NEW-P	88-07-122	296-17-594	AMD-P	88-06-072
260-34-140	NEW-P	88-06-052	275-38-888	NEW-P	88-07-122	296-17-598	REP-P	88-06-072
260-34-150	NEW-P	88-06-052	275-38-889	NEW-P	88-07-122	296-17-598	REP-P	88-06-072
260-34-160	NEW-P	88-06-052	275-38-890	AMD-P	88-07-122	296-17-630	AMD-P	88-06-072
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260-34-180	NEW-P	88-06-052	275-38-900	AMD-P	88-07-122	296-17-64901	AMD-P	88-06-072
260-34-180	NEW	88-09-033	275-38-903	NEW-P	88-07-122	296-17-64902	AMD-P	88-06-072
261-40-150	REVIEW	88-03-065	275-38-905	REP-P	88-07-122	296-17-677	AMD-P	88-06-072
261-40-150	AMD-E	88-08-013	275-38-906	NEW-P	88-07-122	296-17-680	AMD-P	88-06-072
261-40-150	AMD-P	88-08-052	275-38-925	AMD-P	88-07-122	296-17-731	AMD-P	88-06-072
275-27-220	AMD	88-05-004	275-38-940	AMD-P	88-07-122	296-17-73101	NEW-P	88-06-076
275-27-223	NEW	88-05-004	275-38-945	AMD-P	88-07-122	296-17-73102	NEW-P	88-06-076
275-27-400	AMD	88-05-004	275-38-955	AMD-P	88-07-122	296-17-73103	NEW-P	88-06-076
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275-35-040	AMD-P	88-09-038	284-32-140	AMD	88-05-001	296-17-757	AMD-P	88-06-072
275-35-050	AMD-P	88-09-038	284-74-200	NEW	88-04-054	296-17-758	AMD-P	88-06-072
275-35-060	AMD-P	88-09-038	284-91-010	AMD-E	88-07-051	296-17-759	AMD-P	88-06-072
275-35-070	AMD-P	88-09-038	284-91-010	AMD-P	88-08-051	296-17-760	AMD-P	88-06-072
275-35-080	AMD-P	88-09-038	284-91-020	AMD-E	88-07-051	296-17-761	AMD-P	88-06-072
275-35-090	REP-P	88-09-038	284-91-020	AMD-P	88-08-051	296-17-762	AMD-P	88-06-072
275-35-100	AMD-P	88-09-038	284-91-025	NEW-P	88-04-056	296-17-76201	NEW-P	88-06-072
275-38-001	AMD-P	88-07-122	284-91-025	NEW	88-08-010	296-17-76202	NEW-P	88-06-072
275-38-005	AMD-P	88-07-122	284-91-027	NEW-P	88-04-056	296-17-76203	NEW-P	88-06-072
275-38-520	AMD-P	88-07-122	284-91-027	NEW	88-08-010	296-17-76204	NEW-P	88-06-072
275-38-525	AMD-P	88-07-122	296-14-300	NEW-P	88-09-071	296-17-76205	NEW-P	88-06-072
275-38-530	AMD-P	88-07-122	296-14-350	NEW-P	88-09-071	296-17-76206	NEW-P	88-06-072
275-38-535	AMD-P	88-07-122	296-14-400	NEW-P	88-09-071	296-17-76207	NEW-P	88-06-072
275-38-540	AMD-P	88-07-122	296-14-600	NEW-P	88-09-071	296-17-76208	NEW-P	88-06-072
275-38-545	AMD-P	88-07-122	296-14-900	NEW-P	88-04-050	296-17-76209	NEW-P	88-06-072
275-38-546	NEW-P	88-07-122	296-14-900	NEW	88-08-026	296-17-76210	NEW-P	88-06-072
275-38-550	AMD-P	88-07-122	296-14-910	NEW-P	88-04-050	296-17-76211	NEW-P	88-06-072
275-38-555	AMD-P	88-07-122	296-14-910	NEW	88-08-026	296-17-76212	NEW-P	88-06-072
275-38-560	AMD-P	88-07-122	296-14-920	NEW-P	88-04-050	296-17-773	AMD-P	88-06-076
275-38-565	AMD-P	88-07-122	296-14-920	NEW	88-08-026	296-17-86502	NEW-P	88-09-073
275-38-570	AMD-P	88-07-122	296-14-930	NEW-P	88-04-050	296-17-870	AMD-P	88-09-073
275-38-575	REP-P	88-07-122	296-14-930	NEW	88-08-026	296-17-885	AMD-P	88-02-060
275-38-585	AMD-P	88-07-122	296-14-940	NEW-P	88-04-050	296-17-885	AMD	88-06-047
275-38-586	NEW-P	88-07-122	296-14-940	NEW	88-08-026	296-17-885	AMD-P	88-06-072
275-38-600	AMD-P	88-07-122	296-14-950	NEW-P	88-04-050	296-17-885	AMD-P	88-06-076
275-38-605	AMD-P	88-07-122	296-14-950	NEW	88-08-026	296-17-895	AMD-P	88-02-060
275-38-610	AMD-P	88-07-122	296-14-960	NEW-P	88-04-050	296-17-895	AMD	88-06-047
275-38-615	AMD-P	88-07-122	296-14-960	NEW	88-08-026	296-17-895	AMD-P	88-06-072
275-38-620	AMD-P	88-07-122	296-15-020	AMD-P	88-07-100	296-17-895	AMD-P	88-06-076
275-38-650	AMD-P	88-07-122	296-15-022	AMD-P	88-07-100	296-17-91601	NEW-P	88-07-102
275-38-655	AMD-P	88-07-122	296-15-023	AMD-P	88-07-100	296-17-91901	AMD-P	88-09-070
275-38-660	AMD-P	88-07-122	296-15-030	AMD-P	88-07-100	296-17-91902	AMD-P	88-09-070
275-38-667	AMD-P	88-07-122	296-15-065	AMD-P	88-07-100	296-17-91903	AMD-P	88-09-070
275-38-680	AMD-P	88-07-122	296-15-070	AMD-P	88-07-100	296-17-91904	AMD-P	88-09-070
275-38-685	AMD-P	88-07-122	296-15-170	AMD-P	88-07-100	296-17-91905	AMD-P	88-09-070
275-38-690	AMD-P	88-07-122	296-15-190	AMD-P	88-07-100	296-18A-445	AMD-P	88-07-100
275-38-695	AMD-P	88-07-122	296-15-215	AMD-P	88-07-100	291-18A-450	AMD-P	88-09-071
275-38-700	AMD-P	88-07-122	296-15-250	AMD-P	88-07-100	296-18A-500	AMD-P	88-07-100
275-38-705	AMD-P	88-07-122	296-17-310	AMD-P	88-06-072	291-18A-520	AMD-P	88-09-071

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308-51-100	AMD-P	88-06-034	308-90-070	AMD	88-03-038	308-120-186	AMD	88-05-010
308-51-110	AMD-P	88-06-034	308-90-080	AMD-E	88-03-001	308-120-335	AMD	88-07-049
308-51-125	AMD-P	88-06-034	308-90-080	AMD	88-03-038	308-122-200	AMD-P	88-06-007
308-51-140	AMD-P	88-06-034	308-90-090	AMD-E	88-03-001	308-122-200	AMD	88-09-029
308-51-150	REP-P	88-06-034	308-90-090	AMD	88-03-038	308-122-215	AMD-P	88-06-007
308-51-220	NEW-P	88-06-034	308-90-110	AMD-E	88-03-001	308-122-215	AMD	88-09-029
308-51A-010	NEW-P	88-08-088	308-90-110	AMD	88-03-038	308-122-235	NEW-P	88-06-007
308-51A-020	NEW-P	88-08-088	308-90-120	NEW-E	88-03-001	308-122-235	NEW	88-09-029
308-51A-030	NEW-P	88-08-088	308-90-120	NEW	88-03-038	308-122-640	AMD-P	88-06-007
308-51A-040	NEW-P	88-08-088	308-90-130	NEW-E	88-03-001	308-122-640	AMD	88-09-029
308-51A-050	NEW-P	88-08-088	308-90-130	NEW	88-03-038	308-122-720	NEW-P	88-06-007
308-51A-060	NEW-P	88-08-088	308-90-140	NEW-E	88-03-001	308-122-720	NEW	88-09-029
308-52-138	AMD	88-06-008	308-90-140	NEW	88-03-038	308-124A-130	AMD-P	88-02-051
308-52-139	AMD	88-06-008	308-90-150	NEW-E	88-03-001	308-124A-130	AMD	88-06-039
308-52-140	AMD	88-06-008	308-90-150	NEW	88-03-038	308-124B-010	REP-E	88-02-051
308-52-147	NEW	88-06-008	308-90-160	NEW-E	88-03-001	308-124B-010	REP-P	88-02-051
308-52-148	NEW	88-06-008	308-90-160	NEW	88-03-038	308-124B-010	REP	88-06-039
308-52-149	NEW	88-06-008	308-91-010	AMD-E	88-03-030	308-124B-130	AMD-E	88-02-050
308-53-010	AMD-P	88-03-071	308-91-010	AMD-P	88-03-067	308-124B-130	AMD-P	88-02-051
308-53-010	AMD	88-07-047	308-91-010	AMD	88-06-061	308-124B-130	AMD	88-06-039
308-53-030	AMD-P	88-03-071	308-91-020	REP-E	88-03-030	308-124B-150	NEW-E	88-02-050
308-53-030	AMD	88-07-047	308-91-020	REP-P	88-03-067	308-124B-150	NEW-P	88-02-051
308-53-100	AMD-P	88-03-071	308-91-020	REP	88-06-061	308-124B-150	NEW	88-06-039
308-53-100	AMD	88-07-047	308-91-030	AMD-E	88-03-030	308-124E-011	REP-P	88-02-049
308-53-120	AMD-P	88-03-071	308-91-030	AMD-P	88-03-067	308-124E-011	REP	88-06-040
308-53-120	AMD	88-07-047	308-91-030	AMD	88-06-061	308-124E-012	NEW-P	88-02-049
308-53-145	AMD-P	88-03-071	308-91-040	AMD-E	88-03-030	308-124E-012	NEW	88-06-040
308-53-145	AMD	88-07-047	308-91-040	AMD-P	88-03-067	308-124E-013	NEW-P	88-02-049
308-53-170	AMD-P	88-03-071	308-91-040	AMD	88-06-061	308-124E-013	NEW	88-06-040
308-53-170	AMD	88-07-047	308-91-050	AMD-E	88-03-030	308-124E-014	NEW-P	88-02-049
308-61-026	AMD-E	88-04-026	308-91-050	AMD-P	88-03-067	308-124E-014	NEW	88-06-040
308-61-026	AMD	88-06-025	308-91-050	AMD	88-06-061	308-128A-010	AMD-P	88-08-087
308-61-050	REP-E	88-04-026	308-91-060	AMD-E	88-03-030	308-128A-020	AMD-P	88-08-087
308-61-050	REP	88-06-025	308-91-060	AMD-P	88-03-067	308-128A-030	AMD-P	88-08-087
308-61-108	AMD-E	88-04-026	308-91-060	AMD	88-06-061	308-128A-040	AMD-P	88-08-087
308-61-108	AMD	88-06-025	308-91-070	AMD-E	88-03-030	308-128B-010	AMD-P	88-08-087
308-61-135	AMD-E	88-04-026	308-91-070	AMD-P	88-03-067	308-128B-020	AMD-P	88-08-087
308-61-135	AMD	88-06-025	308-91-070	AMD	88-06-061	308-128B-030	AMD-P	88-08-087
308-61-158	AMD-E	88-04-026	308-91-080	AMD-E	88-03-030	308-128B-040	REP-P	88-08-087
308-61-158	AMD	88-06-025	308-91-080	AMD-P	88-03-067	308-128B-050	AMD-P	88-08-087
308-61-175	AMD-E	88-04-026	308-91-080	AMD	88-06-061	308-128B-060	AMD-P	88-08-087
308-61-175	AMD	88-06-025	308-91-090	AMD-E	88-03-030	308-128B-090	NEW-P	88-08-087
308-61-210	AMD-E	88-04-026	308-91-090	AMD-P	88-03-067	308-128C-010	REP-P	88-08-087
308-61-210	AMD	88-06-025	308-91-090	AMD	88-06-061	308-128C-040	AMD-P	88-08-087
308-61-240	AMD-E	88-04-026	308-91-100	REP-E	88-03-030	308-128C-050	AMD-P	88-08-087
308-61-240	AMD	88-06-025	308-91-100	REP-P	88-03-067	308-128D-010	AMD-P	88-08-087
308-61-260	AMD-E	88-04-026	308-91-100	REP	88-06-061	308-128D-020	AMD-P	88-08-087
308-61-260	AMD	88-06-025	308-91-110	REP-E	88-03-030	308-128D-030	AMD-P	88-08-087
308-61-330	AMD-E	88-04-026	308-91-110	REP-P	88-03-067	308-128D-040	AMD-P	88-08-087
308-61-330	AMD	88-06-025	308-91-110	REP	88-06-061	308-128D-060	AMD-P	88-08-087
308-61-430	AMD-E	88-04-026	308-91-120	NEW-E	88-03-030	308-128D-070	AMD-P	88-08-087
308-61-430	AMD	88-06-025	308-91-120	NEW-P	88-03-067	308-128D-080	NEW-P	88-08-087
308-72-502	NEW-P	88-04-029	308-91-120	NEW	88-06-061	308-128E-010	REP-P	88-08-087
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308-72-512	NEW	88-07-095	308-91-150	NEW	88-06-061	308-138-055	AMD	88-09-030
308-72-540	AMD-P	88-04-029	308-91-160	NEW-E	88-03-030	308-138-320	AMD-P	88-03-035
308-72-540	AMD	88-07-095	308-91-160	NEW-P	88-03-067	308-138-320	AMD	88-09-030
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308-90-010	REP	88-03-038	308-91-170	NEW-E	88-03-030	308-138A-020	AMD	88-09-030
308-90-020	REP-E	88-03-001	308-91-170	NEW-P	88-03-067	308-138A-025	AMD-P	88-03-035
308-90-020	REP	88-03-038	308-91-170	NEW	88-06-061	308-138A-025	AMD	88-09-030
308-90-030	AMD-E	88-03-001	308-96A-065	AMD-P	88-07-116	308-150-013	AMD-P	88-05-041
308-90-030	AMD	88-03-038	308-96A-066	NEW-P	88-07-116	308-150-013	AMD	88-08-033
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308-90-040	AMD	88-03-038	308-115-230	NEW-P	88-08-035	308-151-080	AMD	88-08-033
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308-156-060	AMD	88-08-033	314-36-030	AMD-P	88-04-087	326-20-095	NEW-P	88-06-074
308-156-090	AMD-P	88-05-041	314-36-030	AMD	88-07-025	326-20-095	NEW-C	88-09-010
308-156-090	AMD	88-08-033	314-36-040	AMD-P	88-04-087	326-20-095	NEW	88-09-047
308-156-100	AMD-P	88-05-041	314-36-040	AMD	88-07-025	326-20-096	NEW-E	88-06-043
308-156-100	AMD	88-08-033	314-36-050	AMD-P	88-04-087	326-20-096	NEW-P	88-06-074
308-171-010	AMD-P	88-05-061	314-36-050	AMD	88-07-025	326-20-096	NEW-C	88-09-010
308-171-010	AMD	88-09-031	314-36-060	AMD-P	88-04-087	326-20-096	NEW	88-09-047
308-171-020	AMD-P	88-05-061	314-36-060	AMD	88-07-025	326-20-097	NEW-E	88-06-043
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308-180-120	AMD-P	88-02-061	314-36-080	AMD-P	88-04-087	326-20-097	NEW	88-09-047
308-180-120	AMD	88-07-031	314-36-080	AMD	88-07-025	326-20-098	NEW-E	88-06-043
308-180-210	AMD-P	88-02-061	314-36-090	AMD-P	88-04-087	326-20-098	NEW-P	88-06-074
308-180-210	AMD	88-07-031	314-36-090	AMD	88-07-025	326-20-098	NEW-C	88-09-010
308-180-220	AMD-P	88-02-061	314-36-100	AMD-P	88-04-087	326-20-098	NEW	88-09-047
308-180-220	AMD	88-07-031	314-36-100	AMD	88-07-025	326-20-171	AMD-P	88-06-074
308-180-250	AMD-P	88-02-061	314-36-110	AMD-P	88-04-087	326-20-171	AMD-C	88-09-010
308-180-250	AMD	88-07-031	314-36-110	AMD	88-07-025	326-20-171	AMD	88-09-047
308-180-270	NEW-P	88-02-061	314-36-120	REP-P	88-04-087	326-20-172	AMD-P	88-06-074
308-180-270	NEW	88-07-031	314-36-120	REP	88-07-025	326-20-172	AMD-C	88-09-010
308-180-280	NEW-P	88-02-061	314-36-130	AMD-P	88-04-087	326-20-172	AMD	88-09-047
308-180-280	NEW	88-07-031	314-36-130	AMD	88-07-025	326-20-180	AMD-P	88-06-074
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308-190-040	NEW-P	88-05-059	314-40-040	AMD	88-07-060	326-20-180	AMD	88-09-047
308-190-050	NEW-P	88-05-059	314-40-080	AMD-P	88-06-055	326-20-185	AMD-P	88-06-074
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308-195-050	NEW-P	88-03-034	314-52-114	AMD	88-07-026	332-26-010	NEW-E	88-09-007
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308-220-040	NEW-P	88-05-062	315-20-090	AMD-P	88-02-062	352-32-250	AMD	88-07-074
308-220-050	NEW-P	88-05-062	315-20-090	AMD	88-06-031	352-36-040	AMD-P	88-06-095
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308-220-080	NEW-P	88-05-062	315-32-050	AMD-P	88-02-066	352-74-030	AMD	88-07-074
308-230-010	NEW-P	88-05-063	315-32-050	AMD	88-05-030	352-74-040	AMD-P	88-04-075
308-230-020	NEW-P	88-05-063	316-02-350	AMD-P	88-06-057	352-74-040	AMD	88-07-074
308-230-030	NEW-P	88-05-063	316-02-820	AMD-P	88-06-057	352-74-060	AMD-P	88-04-075
308-230-040	NEW-P	88-05-063	316-45-110	AMD-P	88-06-057	352-74-060	AMD	88-07-074
308-230-050	NEW-P	88-05-063	316-45-550	AMD-P	88-06-057	352-74-070	AMD-P	88-04-075
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308-410-050	NEW	88-03-037	326-20-080	AMD-P	88-09-060	356-05-128	NEW	88-03-042
308-410-060	NEW	88-03-037	326-20-090	REP-E	88-06-029	356-05-145	REP-P	88-04-066
308-410-070	NEW	88-03-037	326-20-090	REP	88-06-030	356-05-311	NEW-P	88-04-032
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314-12-100	AMD	88-04-028	326-20-092	NEW-E	88-06-043	356-05-415	AMD-P	88-04-068
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314-12-145	AMD-C	88-09-061	326-20-092	NEW	88-09-047	356-05-452	NEW-C	88-07-044
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356-15-085	AMD-C	88-07-042	360-08-130	REP-P	88-03-036	388-14-302	AMD	88-07-012
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356-15-115	NEW-P	88-04-033	360-08-410	REP-P	88-03-036	388-14-310	AMD-P	88-02-055
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356-18-130	REP-E	88-04-030	360-08-450	REP	88-06-026	388-14-325	REP-E	88-02-056
356-18-130	REP-P	88-04-065	360-08-460	REP-P	88-03-036	388-14-325	REP	88-07-012
356-18-130	REP	88-07-045	360-08-460	REP	88-06-026	388-14-325	REP	88-07-012
356-18-190	AMD-P	88-04-068	360-08-470	REP-P	88-03-036	388-14-370	AMD-P	88-02-055
356-26-050	AMD-P	88-04-068	360-08-470	REP	88-06-026	388-14-370	AMD-E	88-02-056
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356-30-015	AMD-P	88-04-068	360-08-490	REP-P	88-03-036	388-14-385	AMD-E	88-02-056
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356-42-043	AMD-C	88-07-043	365-180-040	NEW	88-02-042	388-15-214	NEW-P	88-02-065
356-42-043	AMD-C	88-07-044	365-180-050	NEW	88-02-042	388-15-214	NEW	88-06-088
356-42-045	AMD-C	88-07-043	365-180-060	NEW	88-02-042	388-15-215	AMD-P	88-02-065
356-42-045	AMD-C	88-07-044	365-180-070	NEW	88-02-042	388-15-215	AMD-P	88-08-059
356-42-047	AMD-C	88-07-044	365-180-080	NEW	88-02-042	388-15-217	AMD-P	88-02-065
356-42-049	NEW-C	88-07-043	365-180-090	NEW	88-02-042	388-15-217	AMD-P	88-08-059
356-42-050	AMD-C	88-07-044	388-14-010	AMD-P	88-02-055	388-15-690	NEW	88-03-020
356-42-055	AMD-C	88-07-043	388-14-010	AMD-E	88-02-056	388-15-695	NEW	88-03-020
356-42-060	AMD-C	88-07-044	388-14-010	AMD	88-07-012	388-15-700	NEW	88-03-020
356-42-070	AMD-C	88-07-044	388-14-020	AMD-P	88-02-055	388-15-705	NEW	88-03-020
356-42-082	AMD-C	88-07-043	388-14-020	AMD-E	88-02-056	388-15-710	NEW	88-03-020
356-42-084	AMD-C	88-07-043	388-14-020	AMD	88-07-012	388-15-715	NEW	88-03-020
356-42-105	NEW-C	88-07-043	388-14-030	AMD-P	88-02-055	388-24-040	AMD-P	88-04-036
356-46-125	NEW	88-03-042	388-14-030	AMD-E	88-02-056	388-24-040	AMD-E	88-04-039
356-47-030	AMD-P	88-04-068	388-14-030	AMD	88-07-012	388-24-040	AMD	88-09-039
356-47-045	AMD-P	88-04-068	388-14-200	AMD-P	88-02-055	388-24-050	AMD-P	88-04-036
360-08-005	NEW-P	88-03-036	388-14-200	AMD-E	88-02-056	388-24-050	AMD-E	88-04-039
360-08-005	NEW	88-06-026	388-14-200	AMD	88-07-012	388-24-050	AMD	88-09-039
360-08-030	REP-P	88-03-036	388-14-205	AMD-P	88-02-055	388-24-074	AMD	88-06-084
360-08-030	REP	88-06-026	388-14-205	AMD-E	88-02-056	388-24-074	AMD	88-07-056
360-08-070	REP-P	88-03-036	388-14-205	AMD	88-07-012	388-24-090	AMD	88-06-084
360-08-070	REP	88-06-026	388-14-210	AMD-P	88-02-055	388-24-090	AMD	88-07-056
360-08-080	REP-P	88-03-036	388-14-210	AMD-E	88-02-056	388-24-107	AMD	88-06-084
360-08-080	REP	88-06-026	388-14-210	AMD	88-07-012	388-24-107	AMD	88-07-056
360-08-090	REP-P	88-03-036	388-14-220	AMD-P	88-02-055	388-24-125	AMD-P	88-04-036
360-08-090	REP	88-06-026	388-14-220	AMD-E	88-02-056	388-24-125	AMD-E	88-04-039
360-08-100	REP-P	88-03-036	388-14-220	AMD	88-07-012	388-24-125	AMD	88-09-039
360-08-100	REP	88-06-026	388-14-270	AMD-P	88-02-055	388-28-435	AMD	88-05-013
360-08-110	REP-P	88-03-036	388-14-270	AMD-E	88-02-056	388-28-440	AMD-P	88-04-045
360-08-110	REP	88-06-026	388-14-270	AMD	88-07-012	388-28-440	AMD	88-07-052
						388-28-475	AMD-P	88-04-045

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388-28-475	AMD	88-07-052	388-77-005	NEW-P	88-09-079	388-77-505	NEW-P	88-04-089
388-28-480	AMD	88-07-117	388-77-010	NEW-P	88-04-089	388-77-505	NEW-W	88-08-038
388-28-482	AMD	88-07-117	388-77-010	NEW-W	88-08-038	388-77-510	NEW-P	88-04-089
388-28-483	AMD	88-07-117	388-77-010	NEW-P	88-09-079	388-77-510	NEW-W	88-08-038
388-28-560	AMD	88-04-018	388-77-015	NEW-P	88-04-089	388-77-515	NEW-P	88-04-089
388-29-100	AMD	88-04-019	388-77-015	NEW-W	88-08-038	388-77-515	NEW-W	88-08-038
388-29-125	AMD	88-04-019	388-77-015	NEW-P	88-09-079	388-77-515	NEW-P	88-09-079
388-29-130	AMD	88-04-019	388-77-020	NEW-P	88-04-089	388-77-520	NEW-P	88-04-089
388-29-145	REP-P	88-04-037	388-77-020	NEW-W	88-08-038	388-77-520	NEW-W	88-08-038
388-29-145	REP-E	88-04-040	388-77-025	NEW-P	88-04-089	388-77-520	NEW-P	88-09-079
388-29-145	REP	88-07-062	388-77-025	NEW-W	88-08-038	388-77-525	NEW-P	88-04-089
388-29-146	REP	88-04-019	388-77-030	NEW-P	88-04-089	388-77-525	NEW-W	88-08-038
388-29-280	AMD	88-04-019	388-77-030	NEW-W	88-08-038	388-77-525	NEW-P	88-09-079
388-33-135	AMD	88-07-117	388-77-035	NEW-P	88-04-089	388-77-530	NEW-P	88-04-089
388-38-110	AMD-P	88-04-038	388-77-035	NEW-W	88-08-038	388-77-530	NEW-W	88-08-038
388-38-110	AMD	88-07-118	388-77-040	NEW-P	88-04-089	388-77-545	NEW-P	88-04-089
388-40-080	AMD-P	88-07-053	388-77-040	NEW-W	88-08-038	388-77-545	NEW-W	88-08-038
388-40-080	AMD-E	88-07-054	388-77-045	NEW-P	88-04-089	388-77-550	NEW-P	88-04-089
388-40-080	AMD-W	88-08-001	388-77-045	NEW-W	88-08-038	388-77-550	NEW-W	88-08-038
388-40-090	AMD-P	88-07-053	388-77-045	NEW-P	88-09-079	388-77-555	NEW-P	88-04-089
388-40-090	AMD-E	88-07-054	388-77-055	NEW-P	88-04-089	388-77-555	NEW-W	88-08-038
388-40-090	AMD-W	88-08-001	388-77-055	NEW-W	88-08-038	388-77-555	NEW-P	88-09-079
388-40-100	AMD-P	88-07-053	388-77-065	NEW-P	88-04-089	388-77-560	NEW-P	88-04-089
388-40-100	AMD-E	88-07-054	388-77-065	NEW-W	88-08-038	388-77-560	NEW-W	88-08-038
388-40-100	AMD-W	88-08-001	388-77-200	NEW-P	88-04-089	388-77-600	NEW-P	88-04-089
388-40-110	NEW-P	88-07-053	388-77-200	NEW-W	88-08-038	388-77-600	NEW-W	88-08-038
388-40-110	NEW-E	88-07-054	388-77-200	NEW-P	88-09-079	388-77-600	NEW-P	88-09-079
388-40-110	NEW-W	88-08-001	388-77-210	NEW-P	88-04-089	388-77-605	NEW-P	88-04-089
388-49-020	AMD-P	88-06-079	388-77-210	NEW-W	88-08-038	388-77-605	NEW-W	88-08-038
388-49-020	AMD	88-08-080	388-77-210	NEW-P	88-09-079	388-77-605	NEW-P	88-09-079
388-49-410	AMD-P	88-06-080	388-77-215	NEW-P	88-04-089	388-77-610	NEW-P	88-04-089
388-49-410	AMD	88-08-081	388-77-215	NEW-W	88-08-038	388-77-610	NEW-W	88-08-038
388-49-470	AMD-P	88-05-005	388-77-230	NEW-P	88-09-079	388-77-610	NEW-P	88-09-079
388-49-470	AMD-E	88-05-006	388-77-240	NEW-P	88-04-089	388-77-615	NEW-P	88-04-089
388-49-470	AMD-P	88-06-081	388-77-240	NEW-W	88-08-038	388-77-615	NEW-W	88-08-038
388-49-470	AMD	88-08-079	388-77-240	NEW-P	88-09-079	388-77-615	NEW-P	88-09-079
388-49-500	AMD-P	88-06-082	388-77-245	NEW-P	88-04-089	388-77-640	NEW-P	88-04-089
388-49-500	AMD	88-08-078	388-77-245	NEW-W	88-08-038	388-77-640	NEW-W	88-08-038
388-49-505	NEW	88-04-042	388-77-255	NEW-P	88-04-089	388-77-700	NEW-P	88-04-089
388-49-640	AMD-P	88-04-088	388-77-255	NEW-W	88-08-038	388-77-700	NEW-W	88-08-038
388-49-640	AMD	88-08-039	388-77-255	NEW-P	88-09-079	388-77-710	NEW-P	88-04-089
388-49-660	AMD-P	88-04-046	388-77-270	NEW-P	88-04-089	388-77-710	NEW-W	88-08-038
388-49-660	AMD	88-08-040	388-77-270	NEW-W	88-08-038	388-77-720	NEW-P	88-04-089
388-57-010	REP	88-07-055	388-77-270	NEW-P	88-09-079	388-77-720	NEW-W	88-08-038
388-57-011	NEW	88-07-055	388-77-275	NEW-P	88-04-089	388-77-725	NEW-P	88-04-089
388-57-015	REP	88-07-055	388-77-275	NEW-W	88-08-038	388-77-725	NEW-W	88-08-038
388-57-020	REP	88-07-055	388-77-280	NEW-P	88-04-089	388-77-730	NEW-P	88-04-089
388-57-028	REP	88-07-055	388-77-280	NEW-W	88-08-038	388-77-730	NEW-W	88-08-038
388-57-032	REP	88-07-055	388-77-285	NEW-P	88-04-089	388-77-735	NEW-P	88-04-089
388-57-036	REP	88-07-055	388-77-285	NEW-W	88-08-038	388-77-735	NEW-W	88-08-038
388-57-040	AMD	88-07-055	388-77-285	NEW-P	88-09-079	388-77-735	NEW-P	88-09-079
388-57-045	REP	88-07-055	388-77-310	NEW-P	88-04-089	388-77-737	NEW-P	88-04-089
388-57-056	REP	88-07-055	388-77-310	NEW-W	88-08-038	388-77-737	NEW-W	88-08-038
388-57-057	AMD	88-07-055	388-77-320	NEW-P	88-04-089	388-77-737	NEW-P	88-09-079
388-57-059	NEW	88-07-055	388-77-320	NEW-W	88-08-038	388-77-740	NEW-P	88-04-089
388-57-061	REP	88-07-055	388-77-320	NEW-P	88-09-079	388-77-740	NEW-W	88-08-038
388-57-063	NEW	88-07-055	388-77-330	NEW-P	88-04-089	388-77-745	NEW-P	88-04-089
388-57-064	REP	88-07-055	388-77-330	NEW-W	88-08-038	388-77-745	NEW-W	88-08-038
388-57-066	NEW	88-07-055	388-77-335	NEW-P	88-04-089	388-77-750	NEW-P	88-04-089
388-57-067	NEW	88-07-055	388-77-335	NEW-W	88-08-038	388-77-750	NEW-W	88-08-038
388-57-070	REP	88-07-055	388-77-340	NEW-P	88-04-089	388-77-755	NEW-P	88-04-089
388-57-071	NEW	88-07-055	388-77-340	NEW-W	88-08-038	388-77-755	NEW-W	88-08-038
388-57-074	NEW	88-07-055	388-77-350	NEW-P	88-04-089	388-77-755	NEW-P	88-04-089
388-57-090	REP	88-07-055	388-77-350	NEW-W	88-08-038	388-77-760	NEW-W	88-08-038
388-57-097	AMD	88-07-055	388-77-355	NEW-P	88-04-089	388-77-765	NEW-P	88-04-089
388-57-100	AMD	88-07-055	388-77-355	NEW-W	88-08-038	388-77-765	NEW-W	88-08-038
388-57-105	NEW	88-07-055	388-77-360	NEW-P	88-04-089	388-77-770	NEW-P	88-04-089
388-57-112	NEW	88-07-055	388-77-360	NEW-W	88-08-038	388-77-770	NEW-W	88-08-038
388-57-115	NEW	88-07-055	388-77-365	NEW-P	88-04-089	388-77-780	NEW-P	88-04-089
388-57-117	NEW	88-07-055	388-77-365	NEW-W	88-08-038	388-77-780	NEW-W	88-08-038
388-57-120	AMD	88-07-055	388-77-370	NEW-P	88-04-089	388-77-810	NEW-P	88-04-089
388-57-121	REP	88-07-055	388-77-370	NEW-W	88-08-038	388-77-810	NEW-W	88-08-038
388-57-123	AMD	88-07-055	388-77-375	NEW-P	88-04-089	388-77-810	NEW-P	88-09-079
388-57-124	AMD	88-07-055	388-77-375	NEW-W	88-08-038	388-77-815	NEW-P	88-04-089
388-57-125	AMD	88-07-055	388-77-500	NEW-P	88-04-089	388-77-815	NEW-W	88-08-038
388-77-005	NEW-P	88-04-089	388-77-500	NEW-W	88-08-038	388-77-820	NEW-P	88-04-089
388-77-005	NEW-W	88-08-038	388-77-500	NEW-P	88-09-079	388-77-820	NEW-W	88-08-038

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388-77-825	NEW-P	88-04-089	388-98-005	NEW	88-06-086
388-77-825	NEW-W	88-08-038	388-98-010	NEW-E	88-03-051
388-77-830	NEW-P	88-04-089	388-98-010	NEW-P	88-03-054
388-77-830	NEW-W	88-08-038	388-98-010	NEW	88-06-086
388-77-835	NEW-P	88-04-089	388-98-015	NEW-E	88-03-051
388-77-835	NEW-W	88-08-038	388-98-015	NEW-P	88-03-054
388-77-870	NEW-P	88-04-089	388-98-015	NEW	88-06-086
388-77-870	NEW-W	88-08-038	388-98-020	NEW-E	88-03-051
388-77-880	NEW-P	88-04-089	388-98-020	NEW-P	88-03-054
388-77-880	NEW-W	88-08-038	388-98-020	NEW	88-06-086
388-77-900	NEW-P	88-04-089	388-99-010	AMD-P	88-06-077
388-77-900	NEW-W	88-08-038	388-99-010	AMD	88-09-037
388-77-900	NEW-P	88-09-079	388-99-020	AMD	88-05-056
388-77-905	NEW-P	88-04-089	390-20-022	NEW-C	88-04-062
388-77-905	NEW-W	88-08-038	390-20-022	NEW	88-06-019
388-77-915	NEW-P	88-04-089	390-20-056	NEW-P	88-04-063
388-77-915	NEW-W	88-08-038	390-20-056	NEW-C	88-09-008
388-77-920	NEW-P	88-04-089	391-08-120	AMD-P	88-07-079
388-77-920	NEW-W	88-08-038	391-25-090	AMD-P	88-07-080
388-77-925	NEW-P	88-04-089	391-25-110	AMD-P	88-07-080
388-77-925	NEW-W	88-08-038	391-25-140	NEW-P	88-07-080
388-77-930	NEW-P	88-04-089	391-25-190	AMD-P	88-07-080
388-77-930	NEW-W	88-08-038	391-25-290	AMD-P	88-07-080
388-77-940	NEW-P	88-04-089	391-25-390	AMD-P	88-07-080
388-77-940	NEW-W	88-08-038	391-25-470	AMD-P	88-07-080
388-77-945	NEW-P	88-04-089	391-35-020	NEW-P	88-07-081
388-77-945	NEW-W	88-08-038	391-35-300	NEW-P	88-07-081
388-77-975	NEW-P	88-04-089	391-45-013	REP-P	88-07-082
388-77-975	NEW-W	88-08-038	391-45-260	NEW-P	88-07-082
388-78-005	NEW-P	88-06-078	391-55-002	AMD-P	88-07-083
388-78-010	NEW-P	88-06-078	391-55-033	REP-P	88-07-083
388-78-015	NEW-P	88-06-078	391-55-071	NEW-P	88-07-083
388-78-020	NEW-P	88-06-078	391-55-400	AMD-P	88-07-083
388-78-100	NEW-P	88-06-078	391-55-410	AMD-P	88-07-083
388-78-120	NEW-P	88-06-078	391-55-415	AMD-P	88-07-083
388-78-205	NEW-P	88-06-078	391-55-420	AMD-P	88-07-083
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388-78-220	NEW-P	88-06-078	391-55-435	AMD-P	88-07-083
388-81-047	NEW	88-03-050	391-55-440	AMD-P	88-07-083
388-82-010	AMD-P	88-06-077	391-55-445	AMD-P	88-07-083
388-82-010	AMD	88-09-037	391-55-450	AMD-P	88-07-083
388-82-115	AMD-P	88-06-077	391-55-455	AMD-P	88-07-083
388-82-115	AMD	88-09-037	391-55-505	REP-P	88-07-083
388-83-032	AMD-P	88-08-041	391-65-050	AMD-P	88-07-084
388-83-032	AMD-E	88-08-042	391-65-074	REP-P	88-07-084
388-86-005	AMD-P	88-03-021	391-65-094	REP-P	88-07-084
388-86-005	AMD	88-06-083	391-95-010	AMD-P	88-07-085
388-86-009	AMD-P	88-09-078	391-95-030	AMD-P	88-07-085
388-86-050	AMD	88-04-048	391-95-230	AMD-P	88-07-085
388-86-051	NEW	88-04-048	392-121-001	NEW	88-03-013
388-86-085	AMD-P	88-03-021	392-121-003	NEW	88-03-013
388-86-085	AMD	88-06-083	392-121-007	NEW	88-03-013
388-86-086	NEW-P	88-03-021	392-121-021	NEW	88-03-013
388-86-086	NEW	88-06-083	392-121-031	NEW	88-03-013
388-87-010	AMD-P	88-03-021	392-121-033	NEW	88-03-013
388-87-010	AMD	88-06-083	392-121-101	REP	88-03-013
388-87-011	AMD-P	88-08-060	392-121-103	REP	88-03-013
388-87-013	AMD	88-04-048	392-121-105	REP	88-03-013
388-87-027	AMD-P	88-03-021	392-121-106	NEW	88-03-013
388-87-027	AMD	88-06-083	392-121-107	NEW	88-03-013
388-87-035	AMD-P	88-03-021	392-121-108	NEW	88-03-013
388-87-035	AMD	88-06-083	392-121-110	REP	88-03-013
388-87-036	NEW-P	88-03-021	392-121-111	NEW	88-03-013
388-87-036	NEW	88-06-083	392-121-115	REP	88-03-013
388-87-070	AMD	88-04-048	392-121-120	REP	88-03-013
388-88-050	AMD	88-04-041	392-121-121	REP	88-03-013
388-88-101	AMD	88-04-041	392-121-122	NEW	88-03-013
388-92-045	AMD-P	88-03-072	392-121-123	NEW	88-03-013
388-92-045	AMD	88-06-087	392-121-125	REP	88-03-013
388-95-380	AMD-P	88-03-072	392-121-126	REP	88-03-013
388-95-380	AMD	88-06-087	392-121-127	REP	88-03-013
388-96-771	NEW-E	88-03-052	392-121-128	REP	88-03-013
388-96-771	NEW-P	88-03-053	392-121-129	REP	88-03-013
388-96-771	NEW	88-06-085	392-121-130	REP	88-03-013
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392-121-161	NEW				88-03-013
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392-121-175	REP				88-03-013
392-121-176	REP				88-03-013
392-121-177	REP				88-03-013
392-121-180	REP				88-03-013
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392-121-215	NEW				88-03-013
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392-121-245	NEW				88-03-013
392-121-250	NEW				88-03-013
392-121-255	NEW				88-03-013
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392-121-260	NEW				88-03-013
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392-168-115	NEW	88-09-042	392-220-100	NEW-E	88-03-012	400-12-310	NEW	88-06-053
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392-168-120	NEW	88-09-042	392-220-105	NEW-E	88-03-012	400-12-400	NEW	88-06-053
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392-168-125	NEW	88-09-042	392-220-110	NEW-E	88-03-012	400-12-420	NEW	88-06-053
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392-168-135	NEW-P	88-06-094	392-220-120	NEW-P	88-03-011	400-12-520	NEW	88-06-053
392-168-135	NEW	88-09-042	392-220-120	NEW-E	88-03-012	400-12-530	NEW	88-06-053
392-168-140	NEW-P	88-06-094	392-220-125	NEW-P	88-03-011	400-12-540	NEW	88-06-053
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392-168-145	NEW	88-09-042	392-220-130	NEW-E	88-03-012	400-12-570	NEW	88-06-053
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